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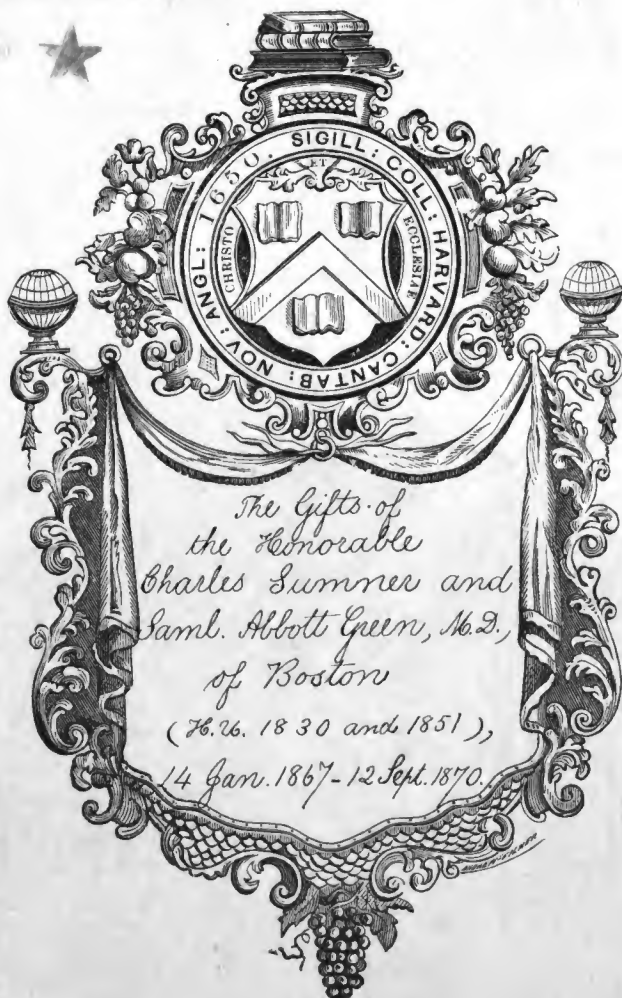


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3d. Jan. 1873.



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Virginia.

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THE

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CONSTITUTION OF VIRGINIA;
1850-51

TOGETHER WITH THE

VIRGINIA BILL OF RIGHTS,

PASSED JUNE 12, 1776.

Virginia - Constitutional Convention 1789

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RICHMOND:
PRINTED AT THE OFFICE OF THE NEW NATION.
1867.

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1868, Aug. 15.

Will of
Sam'l. Green, Jr.

(H. C. 1851.)

VIRGINIA BILL OF RIGHTS.

[Passed June 12, 1776.]

Adopted, without alteration, by the Convention of 1829-30, and re-adopted with amendments, by the Convention of 1850-51.

A DECLARATION OF RIGHTS, *made by the Representatives of the good People of Virginia, assembled in full and free Convention, which rights do pertain to them and their posterity as the basis and foundation of Government.*

1. That all men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

2. That all power is vested in, and consequently derived from, the people; that magistrates are their trustees and servants, and at all times amenable to them.

3. That government is, or ought to be, instituted for the common benefit, protection and security of the people, nation or community; of all the various modes and forms of government, that is best which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of maladministration; and that, when any government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, unalienable and indefeasible right to reform, alter or abolish it, in such manner as shall be judged most conducive to the public weal.

4. That no man, or set of men, are entitled to exclusive or separate emoluments or privileges from the community but in consideration of public services, which, not being descendible, neither ought the offices of magistrate, legislator or judge to be hereditary.

5. That the legislative, executive and judicial powers should be separate and distinct; and that the members thereof may be restrained from oppression, by feeling and participating the burthens of the peo-

ple, they should, at fixed periods, be reduced to a private station, return into that body from which they were originally taken, and the vacancies be supplied by frequent, certain and regular elections, in which all, or any part of the former members to be again eligible or ineligible, as the laws shall direct.

6. That all elections ought to be free, and that all men having sufficient evidence of permanent common interest with, and attachment to, the community, have the right of suffrage, and cannot be taxed or deprived of their property for public uses, without their own consent, or that of their representatives so elected, nor bound by any law to which they have not in like manner assented, for the public good.

7. That all power of suspending laws, or the execution of laws, by any authority, without consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.

8. That in all capital or criminal prosecutions, a man hath a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence in his favor, and to a speedy trial by an impartial jury of twelve men of his vicinage, without whose unanimous consent he cannot be found guilty; nor can he be compelled to give evidence against himself; that no man be deprived of his liberty, except by the law of the land or the judgment of his peers.

9. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

10. That general warrants, whereby an officer or messenger may be commanded to search suspected places without evidence of a fact committed, or to seize any person or persons not named, or whose offence is not particularly described and supported by evidence, are grievous and oppressive, and ought not to be granted.

11. That in controversies respecting property, and in suits between man and man, the ancient trial by jury of twelve men is preferable to any other, and ought to be held sacred.

12. That the freedom of the press is one of the great bulwarks of liberty, and can never be restrained but by despotic governments.

13. That a well regulated militia, composed of the body of the people, trained to arms, is the proper, natural and safe defence of a free State; that standing armies, in time of peace, should be avoided as dangerous to liberty; and that in all cases the military should be under strict subordination to, and governed by, the civil power.

14. That the people have a right to uniform government; and there-

fore, that no government separate from, or independent of the government of Virginia, ought to be erected or established within the limits thereof.

15. That no free government, or the blessing of liberty, can be preserved to any people but by a firm adherence to justice, moderation, temperance, frugality and virtue, and by a frequent recurrence to fundamental principles.

16. That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and therefore all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the mutual duty of all to practise christian forbearance, love and charity towards each other.

CONSTITUTION OF VIRGINIA.

1776

Whereas, the delegates and representatives of the good people of Virginia, in convention assembled, on the twenty-ninth day of June in the year of our Lord one thousand seven hundred and seventy-six—reciting and declaring, that whereas, George the Third, king of Great Britain and Ireland and elector of Hanover, before that time entrusted with the exercise of the kingly office in the government of Virginia, had endeavored to pervert the same into a detestable and insupportable tyranny, by putting his negative on laws the most wholesome and necessary for the public good; by denying his governors permission to pass laws of immediate and pressing importance, unless suspended in their operation for his assent, and when so suspended, neglecting to attend to them for many years; by refusing to pass certain other laws, unless the persons to be benefited by them would relinquish the inestimable right of representation in the legislature; by dissolving legislative assemblies repeatedly and continually, for opposing with manly firmness his invasions of the rights of the people; when dissolved, by refusing to call others for a long space of time, thereby leaving the political system without any legislative head; by endeavoring to prevent the population of our country, and for that purpose obstructing the laws for the naturalization of foreigners; by keeping among us, in time of peace, standing armies and ships of war; by affecting to render the military independent of and superior to the civil power; by combining with others to subject us to a foreign jurisdiction, giving his assent to their pretended acts of legislation, for quartering large bodies of armed troops among us, for cutting off our trade with all parts of the world, for imposing taxes on us without our consent, for depriving us of the benefits of the trial by jury, for transporting us beyond seas to be tried for pretended offences, for suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever; by plundering our seas, ravaging our coasts, burning our towns, and destroying the lives of our people; by inciting insurrections of our fellow-subjects with the allurements of forfeiture and confiscation; by prompting our negroes to rise in arms among us

—those very negroes, whom, by an inhuman use of his negative, he had refused us permission to exclude by law; by endeavoring to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes and conditions of existence; by transporting hither a large army of foreign mercenaries to complete the work of death, desolation and tyranny, then already begun with circumstances of cruelty and perfidy unworthy the head of a civilized nation; by answering our repeated petitions for redress with a repetition of injuries; and finally, by abandoning the helm of government, and declaring us out of his allegiance and protection; by which several acts of misrule, the government of this country, as before exercised under the crown of Great Britain, was totally dissolved—did, therefore, having maturely considered the premises, and viewing with great concern the deplorable condition to which this once happy country would be reduced, unless some regular, adequate mode of civil policy should be speedily adopted, and in compliance with the recommendation of the general congress, ordain and declare a form of government of Virginia:

And whereas, a convention held on the first Monday in October, in the year one thousand eight hundred and twenty-nine, did propose to the people of the Commonwealth an amended constitution or form of government, which was ratified by them:

And whereas, the General Assembly of Virginia, by an act passed on the fourth of March, in the year one thousand eight hundred and fifty, did provide for the election, by the people, of delegates to meet in general convention, to consider, discuss and propose a new constitution, or alterations and amendments to the existing constitution of this Commonwealth; and by an act passed on the thirteenth of March, in the year one thousand eight hundred and fifty-one, did further provide for submitting the same to the people for ratification or rejection:

We, therefore, the delegates of the good people of Virginia, elected and in convention assembled, in pursuance of said acts, do propose to the people the following constitution and form of government for this Commonwealth.

ARTICLE I.

BILL OF RIGHTS.

The declaration of rights, as amended and prefixed to this constitution, shall have the same relation thereto as it had to the former constitution.

ARTICLE II.

DIVISION OF POWERS.

The legislative, executive and judiciary departments shall be separate and distinct, so that neither exercise the powers properly belonging to either of the others; nor shall any person exercise the powers of more than one of them at the same time, except that justices of the peace shall be eligible to either house of assembly.

ARTICLE III.

QUALIFICATION OF VOTERS.

1. Every white male citizen of the Commonwealth, of the age of twenty-one years, who has been a resident of the State for two years, and of the county, city or town where he offers to vote for twelve months next preceding an election—and no other person, shall be qualified to vote for members of the General Assembly and all officers elective by the people; but no person in the military, naval or marine service of the United States shall be deemed a resident of this State, by reason of being stationed therein. And no person shall have the right to vote, who is of unsound mind, or a pauper, or a non-commissioned officer, soldier, seaman or marine in the service of the United States, or who has been convicted of bribery in an election, or of any infamous offence.

2. The General Assembly, at its first session after the adoption of this constitution, and afterwards as occasion may require, shall cause every city or town, the white population of which exceeds five thousand, to be laid off into convenient wards, and a separate place of voting to be established in each; and thereafter no inhabitant of such city or town shall be allowed to vote except in the ward in which he resides.

3. No voter, during the time for holding any election at which he is entitled to vote, shall be compelled to perform military service, except in time of war or public danger; to work upon the public roads, or to attend any court as suitor, juror or witness; and no voter shall be subject to arrest under any civil process during his attendance at elections, or in going to and returning from them.

4. In all elections votes shall be given openly, or *viva voce*, and not by ballot; but dumb persons entitled to suffrage may vote by ballot.

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

1. The legislature shall be formed of two distinct branches, which together shall be a complete legislature, and shall be called the General Assembly of Virginia.

House of Delegates.

2. One of these shall be called the House of Delegates, and shall consist of one hundred and fifty-two members, to be chosen biennially for and by the several counties, cities and towns of the Commonwealth, and distributed and apportioned as follows:

The counties of Augusta and Rockingham and the city of Richmond shall each elect three delegates; the counties of Albemarle, Bedford, Berkeley, Campbell, Fauquier, Franklin, Frederick, Halifax, Hampshire, Harrison, Jefferson, Kanawha, Loudoun, Marion, Monongalia, Monroe, Norfolk, Pittsylvania, Preston, Rockbridge, Shenandoah and Washington shall each elect two delegates; the counties of Botetourt and Craig shall together elect two delegates.

The counties of Accomac, Alexandria, Amherst, Appomattox, Barbour, Brunswick, Buckingham, Cabell, Caroline, Carroll, Charlotte, Chesterfield, Clarke, Culpeper, Dinwiddie, Fairfax, Floyd, Fluvanna, Giles, Gloucester, Goochland, Grayson, Greenbrier, Hanover, Hardy, Henrico, Henry, Highland, Isle of Wight, Jackson, King William, Lee, Lewis, Louisa, Lunenburg, Madison, Marshall, Mason, Mercer, Mecklenburg, Montgomery, Morgan, Nansemond, Nelson, Northampton, Page, Patrick, Pendleton, Pocahontas, Princess Anne, Prince Edward, Prince William, Pulaski, Putnam, Randolph, Rappahannock, Roanoke, Scott, Smyth, Southampton, Spotsylvania, Taylor, Upshur, Warren, Wayne, Wetzell, Wood and Wythe, and the cities of Norfolk and Petersburg, shall each elect one delegate.

The counties of Lee and Scott, in addition to the delegate to be elected by each, shall together elect one delegate.

The following counties and cities shall compose election districts: Alleghany and Bath; Amelia and Nottoway; Boone, Wyoming and Logan; Braxton and Nicholas; Charles City, James City and New Kent; Cumberland and Powhatan; Doddridge and Tyler; Elizabeth City, Warwick, York, and the city of Williamsburg; Essex and King

& Queen; Fayette and Raleigh; Gilmer and Wirt; Greene and Orange; Greenvsille and Sussex; King George and Stafford; Lancaster and Northumberland; Mathews and Middlesex; Pleasants and Ritchie; Prince George and Surry; and Richmond and Westmoreland—each of which districts shall elect one delegate.

At the first general election under this constitution, the county of Ohio shall elect three delegates, and the counties of Brooke and Hancock shall together elect one delegate; at the second general election, the county of Ohio shall elect two delegates, and the counties of Brooke and Hancock shall each elect one delegate; and so on, alternately, at succeeding general elections.

At the first general election, the county of Russell shall elect two delegates, and the county of Tazewell shall elect one delegate; at the second general election, the county of Tazewell shall elect two delegates, and the county of Russell shall elect one delegate; and so on, alternately, at succeeding general elections.

The General Assembly shall have power, upon application of a majority of the voters of the county of Campbell, to provide, that instead of the two delegates to be elected by said county, the town of Lynchburg shall elect one delegate, and the residue of the county of Campbell shall elect one delegate.

Senate.

3. The other house of the General Assembly shall be called the Senate, and shall consist of fifty members, to be elected for the term of four years; for the election of whom, the counties, cities and towns shall be divided into fifty districts. Each county, city and town of the respective districts, at the time of the first election of its delegate or delegates under this constitution, shall vote for one senator; and the sheriffs or other officers holding the election for each county, city and town, within five days at farthest after the last election in the district, shall meet at the court-house of the county or city first named in the district, and from the polls so taken in their respective counties, cities and towns, return as senator the person who has received the greatest number of votes in the whole district. Upon the assembling of the senators so elected, they shall be divided in two equal classes, to be numbered by lot. The term of service of the senators of the first class shall expire with that of the delegates first elected under this constitution, and of the senators of the second class at the expiration of

two years thereafter; and this alternation shall be continued, so that one-half of the senators may be chosen every second year.

4. For the election of senators—

I. The counties of Accomac and Northampton shall form one district:

II. The city of Norfolk shall be another district:

III. The counties of Norfolk and Princess Anne shall form another district:

IV. The counties of Isle of Wight, Nansemond and Surry shall form another district:

V. The counties of Sussex, Southampton and Greenville shall form another district:

VI. The city of Petersburg and the county of Prince George shall form another district:

VII. The counties of Dinwiddie, Amelia and Brunswick shall form another district:

VIII. The counties of Powhatan, Cumberland and Chesterfield shall form another district:

IX. The counties of Lunenburg, Nottoway and Prince Edward shall form another district:

X. The counties of Mecklenburg and Charlotte shall form another district:

XI. The county of Pittsylvania shall be another district:

XII. The county of Halifax shall be another district:

XIII. The counties of Henry, Patrick and Franklin shall form another district:

XIV. The county of Bedford shall be another district:

XV. The counties of Campbell and Appomattox shall form another district:

XVI. The city of Williamsburg and the counties of James City, Charles City, New Kent, York, Elizabeth City and Warwick shall form another district:

XVII. The counties of Henrico and Hanover shall form another district:

XVIII. The city of Richmond shall be another district:

XIX. The counties of Gloucester, Mathews and Middlesex shall form another district:

XX. The counties of Richmond, Lancaster, Northumberland and Westmoreland shall form another district:

XXI. The counties of King & Queen, King William and Essex shall form another district :

XXII. The counties of Caroline and Spotsylvania shall form another district :

XXIII. The counties of Stafford, King George and Prince William shall form another district :

XXIV. The counties of Fairfax and Alexandria shall form another district :

XXV. The county of Loudoun shall be another district :

XXVI. The counties of Fauquier and Rappahannock shall form another district :

XXVII. The counties of Madison, Culpeper, Orange and Greene shall form another district :

XXVIII. The county of Albemarle shall be another district :

XXIX. The counties of Louisa, Goochland and Fluvanna shall form another district :

XXX. The counties of Nelson, Amherst and Buckingham shall form another district :

XXXI. The counties of Jefferson and Berkeley shall form another district :

XXXII. The counties of Hampshire, Hardy and Morgan shall form another district :

XXXIII. The counties of Frederick, Clarke and Warren shall form another district :

XXXIV. The counties of Shenandoah and Page shall form another district :

XXXV. The counties of Rockingham and Pendleton shall form another district :

XXXVI. The county of Augusta shall be another district :

XXXVII. The counties of Bath, Highland and Rockbridge shall form another district :

XXXVIII. The counties of Botetourt, Alleghany, Roanoke and Craig shall form another district :

XXXIX. The counties of Carroll, Floyd, Grayson, Montgomery and Pulaski shall form another district :

XL. The counties of Mercer, Monroe, Giles and Tazewell shall form another district :

XLI. The counties of Smyth, Wythe and Washington shall form another district :

XLII. The counties of Scott, Lee and Russell shall form another district:

XLIII. The counties of Boone, Logan, Kanawha, Putnam and Wyoming shall form another district:

XLIV. The counties of Nicholas, Fayette, Pocahontas, Raleigh, Braxton and Greenbrier shall form another district:

XLV. The counties of Mason, Jackson, Cabell, Wayne and Wirt shall form another district:

XLVI. The counties of Ritchie, Doddridge, Harrison, Pleasants and Wood shall form another district:

XLVII. The counties of Wetzel, Marshall, Marion and Tyler shall form another district:

XLVIII. The counties of Upshur, Barbour, Lewis, Gilmer and Randolph shall form another district:

XLIX. The counties of Monongalia, Preston and Taylor shall form another district:

L. The counties of Brooke, Hancock and Ohio shall form another district.

Apportionment of Representation.

5. It shall be the duty of the General Assembly, in the year one thousand eight hundred and sixty-five, and in every tenth year thereafter, in case it can agree upon a principle of representation, to re-apportion representation in the Senate and House of Delegates in accordance therewith; and in the event the General Assembly, at the first or any subsequent period of re-apportionment, shall fail to agree upon a principle of representation and to re-apportion representation in accordance therewith, each House shall separately propose a scheme of representation, containing a principle or rule for the House of Delegates, in connection with a principle or rule for the Senate. And it shall be the duty of the General Assembly, at the same session, to certify to the Governor the principles or rules of representation which the respective Houses may separately propose, to be applied in making re-apportionments in the Senate and in the House of Delegates: and the Governor shall, as soon thereafter as may be, by proclamation, make known the propositions of the respective Houses, and require the voters of the Commonwealth to assemble at such time as he shall appoint, at their lawful places of voting, and decide by their votes between the propositions thus presented. In the event the General Assembly shall fail, in the year one thousand eight hundred and sixty-five, or in any tenth

year thereafter, to make such re-apportionment or certificate, the Governor shall, immediately after the adjournment of the General Assembly, by proclamation, require the voters of the Commonwealth to assemble, at such time as he shall appoint, at their lawful places of voting, and to declare by their votes:

First, whether representation in the Senate and House of Delegates shall be apportioned on the "Suffrage Basis;" that is, according to the number of voters in the several counties, cities, towns and senatorial districts of the Commonwealth:

Or, second, whether representation in both Houses shall be apportioned on the "Mixed Basis;" that is, according to the number of white inhabitants contained, and the amount of all state taxes paid, in the several counties, cities and towns of the Commonwealth, deducting therefrom all taxes paid on licenses and law process, and any capitation tax on free negroes, allowing one delegate for every seventy-sixth part of said inhabitants, and one delegate for every seventy-sixth part of said taxes, and distributing the Senators in like manner:

Or, third, whether representation shall be apportioned in the Senate on taxation; that is, according to the amount of all State taxes paid in the several counties, cities and towns of the Commonwealth, deducting therefrom all taxes paid on licenses and law process, and any capitation tax on free negroes, and in the House of Delegates on the "Suffrage Basis" as aforesaid.

Or, fourth, whether representation shall be apportioned in the Senate on the "Mixed Basis" as aforesaid, and in the House of Delegates on the "Suffrage Basis" as aforesaid: and each voter shall cast his vote in favor of one of said schemes of apportionment, and no more.

6. It shall be the duty of the sheriffs and other officers taking said polls, to keep the same open for the period of three days, and within five days after they are closed, to certify true copies thereof to the Governor, who shall, as early as may be, ascertain the result of said vote, and make proclamation thereof; and in case it is ascertained that a majority of all the votes cast is in favor of either of the principles of representation, referred as aforesaid to the choice of the voters, the Governor shall communicate the result of such vote to the General Assembly, at its first regular session thereafter; but in case it is ascertained that a majority of all the votes cast is not in favor of either of the principles of representation referred as aforesaid to the choice of the voters, it shall be the duty of the Governor, as soon as may be after ascertaining that fact, in like manner to cause the voters to decide be-

tween the two principles of representation which shall, at such previous voting, have received the greatest number of votes; and he shall ascertain and make proclamation of the result of the said last vote, and communicate the same to the General Assembly at its next regular session; and in either case, the General Assembly, at the regular session thereof, which shall be held next after taking of the vote, the result of which shall have been so communicated to it by the Governor, shall re-apportion representation in the two Houses respectively in accordance with the principle of representation in each, for which a majority of the votes cast were given; and it shall be the duty of the General Assembly in every tenth year thereafter to re-apportion and distribute the number of Senators and Delegates in accordance with the same principle.

Qualifications of Senators and Delegates.

7. Any person may be elected Senator, who, at the time of election, has attained the age of twenty-five years, and is actually a resident within the district, and qualified to vote for members of the General Assembly, according to this Constitution. And any person may be elected a member of the House of Delegates, who, at the time of election, has attained the age of twenty-one years, and is actually a resident within the county, city, town or election district, qualified to vote for members of the General Assembly according to this Constitution; but no person holding a lucrative office, no minister of the Gospel or priest of any religious denomination, no salaried officer of any banking corporation or company, and no attorney for the Commonwealth, shall be capable of being elected a member of either House of Assembly. The removal of any person elected to either branch of the General Assembly from the county, city, town or district for which he was elected, shall vacate his office.

Powers and Duties of the General Assembly.

8. The General Assembly shall meet once in every two years, and not oftener, unless convened by the Governor in the manner prescribed in this Constitution. No session of the General Assembly, after the first under this Constitution, shall continue longer than ninety days, without the concurrence of three-fifths of the members elected to each House; in which case, the session may be extended for a further period, not exceeding thirty days. Neither House, during the session of the General Assembly, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two

Houses shall be sitting. A majority of each House shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and shall be authorized to compel the attendance of absent members in such manner and under such penalties as each House may provide.

9. The House of Delegates shall choose its own Speaker, and, in the absence of the Lieutenant-Governor, or when he shall exercise the office of Governor, the Senate shall choose from their own body a President *pro tempore*; and each House shall appoint its own officers, settle its own rules of proceeding, and direct writs of election for supplying intermediate vacancies: but if vacancies shall occur during the recess of the General Assembly, such writs may be issued by the Governor, under such regulations as may be prescribed by law. Each House shall judge of the election, qualification and returns of its members, may punish them for disorderly behavior, and, with the concurrence of two-thirds, expel a member, but not a second time for the same offence.

10. The members of the Assembly shall receive for their services a compensation, to be ascertained by law, and paid out of the public treasury; but no act increasing such compensation shall take effect until after the end of the term for which the members of the House of Delegates voting thereon were elected. And no Senator or Delegate, during the term for which he shall have been elected, shall be appointed to any civil office of profit under the Commonwealth, which has been created, or the emoluments of which have been increased, during such term, except offices filled by elections by the people.

11. Bills and resolutions may originate in either of the two Houses of the General Assembly, to be approved or rejected by the other, and may be amended by either House, with the consent of the other.

12. Each House of the General Assembly shall keep a journal of its proceedings, which shall be published from time to time, and the yeas and nays of the members of either House, on any question, shall, at the desire of one-fifth of those present, be entered on the journal. No bill shall become a law until it has been read on three different days of the session in the House in which it originated, unless two-thirds of the members elected to that House shall otherwise determine.

13. The whole number of members to which the State may at any time be entitled in the House of Representatives of the United States, shall be apportioned as nearly as may be amongst the several counties, cities and towns of the State, according to their respective numbers;

which shall be determined, by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons.

14. In the apportionment, the State shall be divided into districts, corresponding in number with the representatives to which it may be entitled in the House of Representatives of the Congress of the United States, which shall be formed respectively of contiguous counties, cities and towns, be compact, and include, as nearly as may be, an equal number of the population, upon which is based representation in the House of Representatives of the United States.

15. The privilege of the writ of *habeas corpus* shall not in any case be suspended. The General Assembly shall not pass any bill of attainder; or any *ex post facto* law; or any law impairing the obligation of contracts; or any law whereby private property shall be taken for public uses without just compensation; or any law abridging the freedom of speech or of the press. No man shall be compelled to frequent or support any religious worship, place or ministry whatsoever; nor shall any man be enforced, restrained, molested or burthened in his body or goods, or otherwise suffer, on account of his religious opinions or belief; but all men shall be free to profess, and by argument to maintain their opinions in matters of religion, and the same shall in no wise affect, diminish or enlarge their civil capacities. And the General Assembly shall not prescribe any religious test whatever; or confer any peculiar privileges or advantages on any sect or denomination; or pass any law requiring or authorizing any religious society, or the people of any district within this Commonwealth, to levy on themselves or others any tax for the erection or repair of any house for public worship, or for the support of any church or ministry; but it shall be left free to every person to select his religious instructor, and to make for his support such private contract as he shall please.

16. No law shall embrace more than one object, which shall be expressed in its title; nor shall any law be revived or amended by reference to its title, but the act revived or section amended shall be re-enacted and published at length.

17. The General Assembly may provide that no person shall be capable of holding, or being elected to, any post of profit, trust or emolument, civil or military, legislative, executive or judicial, under the government of this Commonwealth, who shall hereafter fight a duel, or send or accept a challenge to fight a duel, the probable issue of which may be the death of the challenger or challenged, or who shall be second

to either party, or shall in any manner aid or assist in such duel, or shall be knowingly the bearer of such challenge or acceptance; but no person shall be so disqualified by reason of his having heretofore fought such duel, or sent or accepted such challenge, or been second in such duel, or bearer of such challenge or acceptance.

18. The Governor, Lieutenant Governor, Judges, and all others offending against the State, by maladministration, corruption, neglect of duty, or other high crime or misdemeanor, shall be impeachable by the House of Delegates and be prosecuted before the Senate, which shall have the sole power to try impeachments. When sitting for that purpose, they shall be on oath or affirmation; and no person shall be convicted without the concurrence of two-thirds of the members present. Judgment, in cases of impeachment, shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the Commonwealth; but the party convicted shall nevertheless be subject to indictment, trial, judgment and punishment, according to law. The Senate may sit, during the recess of the General Assembly, for the trial of impeachments.

Slaves and Free Negroes.

19. Slaves hereafter emancipated shall forfeit their freedom by remaining in the Commonwealth more than twelve months after they become actually free, and shall be reduced to slavery under such regulations as may be prescribed by law.

20. The General Assembly may impose such restrictions and conditions as they shall deem proper on the power of slave owners to emancipate their slaves; and may pass laws for the relief of the Commonwealth from the free negro population, by removal or otherwise.

21. The General Assembly shall not emancipate any slave, or the descendant of any slave, either before or after the birth of such descendant.

Taxation and Finance.

22. Taxation shall be equal and uniform throughout the Commonwealth, and all property other than slaves shall be taxed in proportion to its value, which shall be ascertained in such manner as may be prescribed by law.

23. Every slave who has attained the age of twelve years shall be assessed with a tax equal to and not exceeding that assessed on land of the value of three hundred dollars. Slaves under that age shall not be subject to taxation; and other taxable property may be exempted from

taxation by the vote of a majority of the whole number of members elected to each House of the General Assembly.

24. A capitation tax, equal to the tax assessed on land of the value of two hundred dollars, shall be levied on every white male inhabitant who has attained the age of twenty-one years; and one equal moiety of the capitation tax upon white persons shall be applied to the purposes of education in primary and free schools; but nothing herein contained shall prevent exemptions of taxable polls in cases of bodily infirmity.

25. The General Assembly may levy a tax on incomes, salaries and licenses; but no tax shall be levied on property from which any income so taxed is derived, or on the capital invested in the trade or business in respect to which the license so taxed is issued.

26. No money shall be drawn from the treasury but in pursuance of appropriations made by law; and a statement of the receipts, disbursements, appropriations and loans shall be published after the adjournment of each session of the General Assembly, with the acts and resolutions thereof.

27. On the passage of every act which imposes, continues or revives a tax, or creates a debt or charge, or makes, continues or revives any appropriation of public or trust money or property, or releases, discharges or commutes any claim or demand of the State, the vote shall be determined by yeas and nays, and the names of the persons voting for and against the same shall be entered on the journals of the respective houses, and a majority of all the members elected to each house shall be necessary to give it the force of a law.

28. The liability to the State of any incorporated company or institution to redeem the principal and pay the interest of any loan heretofore made, or which may hereafter be made by the State to such company or institution, shall not be released; and the General Assembly shall not pledge the faith of the State, or bind it in any form, for the debts or obligations of any company or corporation.

29. There shall be set apart annually, from the accruing revenues, a sum equal to seven per cent. of the State debt existing on the first day of January in the year one thousand eight hundred and fifty-two. The fund thus set apart shall be called the Sinking fund, and shall be applied to the payment of the interest of the State debt, and the principal of such part as may be redeemable. If no part be redeemable, then the residue of the Sinking fund, after the payment of such interest, shall be invested in the bonds or certificates of debt of this Commonwealth, or of the United States, or of some of the States of this Union, and

applied to the payment of the State debt as it shall become redeemable. Whenever, after the said first day of January, a debt shall be contracted by the Commonwealth, there shall be set apart in like manner, annually, for thirty-four years, a sum exceeding by one per cent. the aggregate amount of the annual interest agreed to be paid thereon at the time of its contraction ; which sum shall be part of the Sinking fund, and shall be applied in the manner before directed. The General Assembly shall not otherwise appropriate any part of the Sinking fund or its accruing interest, except in time of war, insurrection or invasion.

30. The General Assembly may, at any time, direct a sale of the stocks held by the Commonwealth in internal improvement and other companies ; but the proceeds of such sale, if made before the payment of the public debt, shall constitute a part of the Sinking fund, and be applied in like manner.

31. The General Assembly shall not contract loans or cause to be issued certificates of debt or bonds of the State, irredeemable for a period greater than thirty-four years.

General Provisions.

32. The General Assembly shall not grant a charter of incorporation to any church or religious denomination, but may secure the title to church property to an extent to be limited by law.

33. No lottery shall hereafter be authorized by law ; and the buying, selling or transferring of tickets or chances in any lottery not now authorized by a law of this State, shall be prohibited.

34. No new county shall be formed with an area less than six hundred square miles ; nor shall the county or counties from which it is formed be reduced below that area ; nor shall any county, having a white population less than five thousand, be deprived of more than one-fifth of such population ; nor shall a county having a larger white population be reduced below four thousand. But any county, the length of which is three times its mean breadth, or which exceeds fifty miles in length, may be divided at the discretion of the General Assembly. In all general elections the voters in any county, not entitled to separate representation, shall vote in the same election district.

35. The General Assembly shall confer on the courts the power to grant divorces, change the names of persons, and direct the sale of estates belonging to infants and other persons under legal disabilities, but shall not, by special legislation, grant relief in such cases, or in any other case of which the courts or other tribunals may have jurisdiction.

36. The General Assembly shall provide for the periodical registration in the several counties, cities and towns, of the voters therein ; and for the annual registration of the births, marriages and deaths in the white population; and of the births and deaths in the colored population of the same, distinguishing between the numbers of the free colored persons and slaves.

37. The General Assembly, at intervals of five years from the dates of the returns of the census of the United States, shall cause to be taken a census and such statistics of this State as may be prescribed by law ; which census and statistics shall be returned to the Secretary of the Commonwealth, who shall compare and correct the returns and report the same to the General Assembly.

38. The manner of conducting and making returns of elections, of determining contested elections, and of filling vacancies in office, in cases not specially provided for by this constitution, shall be prescribed by law ; but special elections to fill vacancies in the office of judge of any court shall be for a full term. And the General Assembly may declare the cases in which any office shall be deemed vacant, where no provision is made for that purpose in this constitution.

ARTICLE V.

EXECUTIVE DEPARTMENT.

Governor.

1. The chief executive power of this Commonwealth shall be vested in a governor. He shall hold the office for the term of four years, to commence on the first day of January next succeeding his election, and be ineligible to the same office for the term next succeeding that for which he was elected, and to any other office during his term of service.

2. The Governor shall be elected by the voters, at the times and places of choosing members of the General Assembly. Returns of the elections shall be transmitted, under seal, by the proper officers, to the Secretary of the Commonwealth, who shall deliver them to the speaker of the House of Delegates on the first day of the next session of the General Assembly. The speaker of the House of Delegates shall, within one week thereafter, in the presence of a majority of the Senate and House of Delegates, open the said returns, and the votes shall then be counted. The person having the highest number of votes shall be declared elected ; but if two or more shall have the highest and an equal number of votes, one of them shall be chosen Governor by the joint

vote of the two houses of the General Assembly. Contested elections for Governor shall be decided by a like vote, and the mode of proceeding in such cases shall be prescribed by law.

3. No person shall be eligible to the office of Governor unless he has attained the age of thirty years, is a native citizen of the United States, and has been a citizen of Virginia for five years next preceding his election.

4. The governor shall reside at the seat of government; shall receive five thousand dollars for each year of his service, and, while in office, shall receive no other emolument from this or any other government.

5. He shall take care that the laws be faithfully executed; communicate to the General Assembly at every session the condition of the Commonwealth; recommend to their consideration such measures as he may deem expedient; and convene the General Assembly on application of a majority of the members of both houses thereof, or when in his opinion the interest of the Commonwealth may require it. He shall be commander-in-chief of the land and naval forces of the State; have power to embody the militia to repel invasion, suppress insurrection, and enforce the execution of the laws; conduct, either in person or in such other manner as shall be prescribed by law, all intercourse with other and foreign States; and during the recess of the General Assembly, fill, *pro tempore*, all vacancies in those offices for which the constitution and laws make no provision; but his appointments to such vacancies shall be by commissions to expire at the end of thirty days after the commencement of the next session of the General Assembly. He shall have power to remit fines and penalties in such cases and under such rules and regulations as may be prescribed by law; and, except when the prosecution has been carried on by the House of Delegates, or the law shall otherwise particularly direct, to grant reprieves and pardons after conviction, and to commute capital punishment; but he shall communicate to the General Assembly, at each session, the particulars of every case of fine or penalty remitted, of reprieve or pardon granted, and of punishment commuted, with his reasons for remitting, granting or commuting the same.

6. He may require information in writing from the officers in the executive department, upon any subject relating to the duties of their respective offices; and may also require the opinion in writing of the Attorney-General upon any question of law connected with his official duties.

7. Commissions and grants shall run in the name of the Commonwealth of Virginia, and be attested by the Governor, with the seal of the Commonwealth annexed.

Lieutenant Governor.

8. A Lieutenant Governor shall be elected at the same time, and for the same term as the Governor, and his qualification and the manner of his election in all respects shall be the same.

9. In case of the removal of the Governor from office, or of his death, failure to qualify, resignation, removal from the State, or inability to discharge the powers and duties of the office, the said office, with its compensation, shall devolve upon the Lieutenant Governor; and the General Assembly shall provide by law for the discharge of the executive functions in other necessary cases.

10. The Lieutenant Governor shall be President of the Senate, but shall have no vote; and while acting as such, shall receive a compensation equal to that allowed to the Speaker of the House of Delegates.

Secretary of the Commonwealth, Treasurer and Auditor.

11. A Secretary of the Commonwealth, Treasurer and Auditor of Public Accounts shall be elected by the joint vote of the two houses of the General Assembly, and continue in office for the term of two years, unless sooner removed.

12. The Secretary shall keep a record of the official acts of the Governor, which shall be signed by the Governor and attested by the Secretary; and when required, he shall lay the same, and any papers, minutes and vouchers pertaining to his office, before either house of the General Assembly; and shall perform such other duties as may be prescribed by law.

13. The powers and duties of the Treasurer and Auditor shall be such as now are, or may be hereafter prescribed by law.

Board of Public Works.

14. There shall be a Board of Public Works, to consist of three commissioners. The State shall be divided into three districts, containing as nearly as may be equal numbers of voters, and the voters of each district shall elect one commissioner, whose term of office shall be six years; but of those first elected, one, to be designated by lot, shall remain in office for two years only, and one other, to be designated in like manner, shall remain in office for four years only.

15. The General Assembly, at its first session after the adoption of this constitution, shall provide for the election and compensation of the commissioners, and the organization of the board. The commissioners first elected shall assemble on a day to be appointed by law, and decide by lot the order in which their terms of service shall expire.

16. The Board of Public Works shall appoint all officers employed on the public works, and all persons representing the interest of the Commonwealth in works of internal improvement, and shall perform such other duties as may be prescribed by law.

17. The members of the Board of Public Works may be removed by the concurrent vote of a majority of all the members elected to each house of the General Assembly; but the cause of removal shall be entered on the journal of each house.

18. The General Assembly shall have power, by a vote of three-fifths of the members elected to each house, to abolish said board whenever in their opinion a Board of Public Works shall no longer be necessary.

Militia.

19. The manner of appointing militia officers shall be prescribed by law.

ARTICLE VI.

JUDICIARY DEPARTMENT.

1. There shall be a supreme court of appeals, district courts and circuit courts. The jurisdiction of these tribunals, and of the judges thereof, except so far as the same is conferred by this constitution, shall be regulated by law.

Judicial Divisions.

2. The State shall be divided into twenty-one judicial circuits, ten districts and five sections.

I. The counties of Princess Anne, Norfolk, Nansemond, Isle of Wight, Southampton, Greenville, Surry and Sussex and the city of Norfolk shall constitute the first circuit.

II. The counties of Prince George, Dinwiddie, Brunswick, Mecklenburg, Lunenburg, Nottoway, Amelia, Chesterfield and Powhatan and the city of Petersburg shall constitute the second circuit.

III. The counties of Cumberland, Buckingham, Appomattox, Campbell, Prince Edward, Charlotte and Halifax and the town of Lynchburg shall constitute the third circuit.

IV. The counties of Pittsylvania, Bedford, Franklin, Patrick and Henry shall constitute the fourth circuit.

V. The counties of Accomac and Northampton shall constitute the fifth circuit.

VI. The counties of Elizabeth City, Warwick, York, Gloucester, Mathews, Middlesex, Henrico, New Kent, Charles City and James City and the city of Williamsburg shall constitute the sixth circuit.

VII. The city of Richmond shall be the seventh circuit.

VIII. The counties of Lancaster, Northumberland, Richmond, Westmoreland, King George, Spotsylvania, Caroline, Hanover, King William, King & Queen and Essex shall constitute the eighth circuit.

IX. The counties of Stafford, Prince William, Alexandria, Fairfax, Loudoun, Fauquier and Rappahannock shall constitute the ninth circuit.

X. The counties of Culpeper, Madison, Greene, Orange, Albemarle, Louisa, Fluvanna and Goochland shall constitute the tenth circuit.

XI. The counties of Nelson, Amherst, Rockbridge, Augusta and Bath shall constitute the eleventh circuit.

XII. The counties of Pendleton, Highland, Rockingham, Page, Shenandoah, Warren and Hardy shall constitute the twelfth circuit.

XIII. The counties of Clarke, Frederick, Hampshire, Morgan, Berkely and Jefferson shall constitute the thirteenth circuit.

XIV. The counties of Monroe, Greenbrier, Pocahontas, Alleghany, Botetourt, Roanoke and Craig shall constitute the fourteenth circuit.

XV. The counties of Giles, Mercer, Raleigh, Wyoming, Logan, Boone, Fayette and Nicholas shall constitute the fifteenth circuit.

XVI. The counties of Grayson, Carroll, Wythe, Floyd, Pulaski and Montgomery shall constitute the sixteenth circuit.

XVII. The counties of Smyth, Tazewell, Washington, Russell, Scott and Lee shall constitute the seventeenth circuit.

XVIII. The counties of Wayne, Cabell, Mason, Jackson, Putnam and Kanawha shall constitute the eighteenth circuit.

XIX. The counties of Wood, Wirt, Gilmer, Braxton, Lewis, Ritchie, Doddridge and Pleasants shall constitute the nineteenth circuit.

XX. The counties of Hancock, Brooke, Ohio, Marshall, Wetzel, Tyler and Monongalia shall constitute the twentieth circuit.

XXI. And the counties of Harrison, Marion, Taylor, Preston, Barbour, Randolph and Upshur shall constitute the twenty-first circuit.

3. The first and second circuits shall constitute the first district; the third and fourth circuits the second district; the fifth, sixth and seventh circuits the third district; the eighth and ninth circuits the fourth district; the tenth and eleventh circuits the fifth district; the twelfth and thirteenth circuits the sixth district; the fourteenth and fifteenth circuits the seventh district; the sixteenth and seventeenth circuits the eighth district; the eighteenth and nineteenth circuits the ninth district; and the twentieth and twenty-first circuits the tenth district.

4. The first and second districts shall constitute the first section; the third and fourth districts the second section; the fifth and sixth districts the third section; the seventh and eighth districts the fourth section; and the ninth and tenth districts the fifth section.

5. The General Assembly may, at the end of eight years after the adoption of this constitution, and thereafter at intervals of eight years, re-arrange the said circuits, districts and sections, and place any number of circuits in a district, and of districts in a section; but each circuit shall be altogether in one district, and each district in one section; and there shall not be less than two districts and four circuits in a section, and the number of sections shall not be increased or diminished.

Circuit Courts.

6. For each circuit a judge shall be elected by the voters thereof, who shall hold his office for the term of eight years, unless sooner removed in the manner prescribed by this constitution. He shall at the time of his election be at least thirty years of age, and during his continuance in office shall reside in the circuit of which he is judge.

7. A circuit court shall be held at least twice a year by the judge of each circuit, in every county and corporation thereof, wherein a circuit court is now or may hereafter be established. But the judges in the same district may be required or authorized to hold the courts of their respective circuits alternately, and a judge of one circuit to hold a court in any other circuit.

District Courts.

8. A district court shall be held at least once a year in every district, by the judges of the circuits constituting the section and the

judge of the supreme court of appeals for the section of which the district forms a part, any three of whom may hold a court; but no judge shall sit or decide upon any appeal taken from his own decision. The judge of the supreme court of appeals of one section may sit in the district courts of another section, when required or authorized by law to do so.

9. The district courts shall not have original jurisdiction, except in cases of *habeas corpus*, *mandamus* and *prohibition*.

Court of Appeals.

10. For each section a judge shall be elected by the voters thereof, who shall hold his office for the term of twelve years, unless sooner removed in the manner prescribed by this constitution. He shall at the time of his election be at least thirty-five years of age, and during his continuance in office reside in the section for which he is elected.

11. The supreme court of appeals shall consist of the five judges so elected, any three of whom may hold a court. It shall have appellate jurisdiction only, except in cases of *habeas corpus*, *mandamus* and *prohibition*. It shall not have jurisdiction in civil causes where the matter in controversy, exclusive of costs, is less in value or amount than five hundred dollars, except in controversies concerning the title or boundaries of land, the probat of a will, the appointment or qualification of a personal representative, guardian, committee or curator; or concerning a mill, road, way, ferry or landing, or the right of a corporation or of a county to levy tolls or taxes; and except in cases of *habeas corpus*, *mandamus* and *prohibition*, and cases involving freedom or the constitutionality of a law.

12. Special courts of appeals, to consist of not less than three nor more than five judges, may be formed of the judges of the supreme court of appeals and of the circuit courts, or any of them, to try any cases remaining on the dockets of the present court of appeals when the judges thereof cease to hold their offices; or to try any cases which may be on the dockets of the supreme court of appeals established by this constitution, in respect to which a majority of the judges of said court may be so situated as to make it improper for them to sit on the hearing thereof.

13. When a judgment or decree is reversed or affirmed by the supreme court of appeals, the reasons therefor shall be stated in writing, and preserved with the record of the case.

General Provisions.

14. Judges shall be commissioned by the Governor, and shall receive fixed and adequate salaries, which shall not be diminished during their continuance in office. The salary of a judge of the supreme court of appeals shall not be less than three thousand dollars, and that of a judge of a circuit court not less than two thousand dollars per annum, except that of the judge of the fifth circuit, which shall not be less than fifteen hundred dollars per annum; and each shall receive a reasonable allowance for necessary travel.

15. No judge, during his term of service, shall hold any other office, appointment or public trust, and the acceptance thereof shall vacate his judicial office; nor shall he, during such term, or within one year thereafter, be eligible to any political office.

16. No election of judge shall be held within thirty days of the time of holding any election of electors of President and Vice-President of the United States, of members of Congress or of the General Assembly.

17. Judges may be removed from office by a concurrent vote of both Houses of the General Assembly, but a majority of all the members elected to each House must concur in such vote; and the cause of removal shall be entered on the journal of each House. The judge, against whom the General Assembly may be about to proceed, shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least twenty days before the day on which either House of the General Assembly shall act thereupon.

18. The officers of the supreme court of appeals and of the district courts shall be appointed by the said courts respectively, or by the judges thereof in vacation. Their duties, compensation and tenure of office shall be prescribed by law.

19. The voters of each county or corporation in which a circuit court is held shall elect a clerk of such court, whose term of office shall be six years. The Attorney for the Commonwealth, elected for a county or corporation wherein a circuit court is directed to be held, shall be Attorney for the Commonwealth for that court; but in case a circuit court is held for a city, or for a county and a city, there shall be an Attorney for the Commonwealth for such, to be elected by the voters of such city or county and city, and to continue in office for the term of four years. The duties and compensation of these officers, and the mode of removing them from office, shall be prescribed by law.

20. When a vacancy shall occur in the office of clerk of any court, such court may appoint a clerk *pro tempore*, who shall discharge the duties of the office until the vacancy is filled.

21. The General Assembly shall provide for the compensation of jurors, but appropriations for that purpose shall not be made from the State Treasury, except in prosecutions for felony and misdemeanor.

22. At every election of a Governor, an Attorney-General shall be elected by the voters of the Commonwealth for the term of four years. He shall be commissioned by the Governor, shall perform such duties and receive such compensation as may be prescribed by law, and be removable in the manner prescribed for the removal of judges.

23. Judges and all other officers, whether elected or appointed, shall continue to discharge the duties of their respective offices after their terms of office have expired, until their successors are qualified.

24. Writs shall run in the name of the Commonwealth of Virginia, and be attested by the clerks of the several courts. Indictments shall conclude, against the peace and dignity of the Commonwealth.

County Courts.

25. There shall be in each county of the Commonwealth a county court, which shall be held monthly, by not less than three nor more than five justices, except when the law shall require the presence of a greater number.

26. The jurisdiction of the said court shall be the same as that of the existing county courts, except so far as it is modified by this constitution, or may be changed by law.

27. Each county shall be laid off into districts, as nearly equal as may be in territory and population. In each district there shall be elected, by the voters thereof, four justices of the peace, who shall be commissioned by the Governor, reside in their respective districts, and hold their offices for the term of four years. The justices so elected shall choose one of their own body, who shall be the presiding justice of the county court, and whose duty it shall be to attend each term of said court. The other justices shall be classified by law for the performance of their duties in court.

28. The justices shall receive for their services in court a *per diem* compensation, to be ascertained by law, and paid out of the county treasury; and shall not receive any fee or emolument for other judicial services.

29. The power and jurisdiction of justices of the peace within their respective counties shall be prescribed by law.

County Officers.

30. The voters of each county shall elect a clerk of the county court, a surveyor, an attorney for the Commonwealth, a sheriff, and so many commissioners of the revenue as may be authorized by law, who shall hold their respective offices as follows: The clerk and the surveyor for the term of six years; the attorney for the term of four years; the sheriff and the commissioners for the term of two years. Constables and overseers of the poor shall be elected by the voters, as may be prescribed by law.

31. The officers mentioned in the preceding section, except the attorneys, shall reside in the counties or districts for which they were respectively elected. No person elected for two successive terms to the office of sheriff, shall be re-eligible to the same office for the next succeeding term; nor shall he, during his term of service, or within one year thereafter, be eligible to any political office.

32. The justices of the peace, sheriffs, attorneys for the Commonwealth, clerks of the circuit and county courts, and all other county officers, shall be subject to indictment for malfeasance, misfeasance or neglect of official duty; and upon conviction thereof, their offices shall become vacant.

Corporation Courts and Officers.

33. The General Assembly may vest such jurisdiction as shall be deemed necessary in corporation courts, and in the magistrates who may belong to the corporate body.

34. All officers appertaining to the cities and other municipal corporations, shall be elected by the qualified voters, or appointed by the constituted authorities of such cities or corporations, as may be prescribed by law.

Done in convention, in the city of Richmond, on the first day of August, in the year of our Lord one thousand eight hundred and fifty-one, and in the seventy-sixth year of the Commonwealth of Virginia.

JOHN Y. MASON,
Pres't of the Convention.

S. D. WHITTLE,
Secretary of the Convention.

CONSTITUTION

OF THE

STATE OF VIRGINIA,

AND

THE ORDINANCES

--ADOPTED BY

THE CONVENTION

WHICH ASSEMBLED AT

ALEXANDRIA,

ON THE 13TH DAY OF FEBRUARY, 1864.

Virginia — Constitutional Convention. (1864.)c.
ALEXANDRIA,D. TURNER, PRINTER TO THE STATE.
1864.

1867, Jan. 14.

Dear

Hon. Mrs. Sumner

(C. C. 100)

VIRGINIA BILL OF RIGHTS,

Passed June 12th, 1776, as amended by the Convention of 1850-1, without alteration :

When, on the 15th of May, 1776, the Convention of Virginia instructed their delegates in Congress to propose to that body to declare the United Colonies free and independent States, it, at the same time, appointed a committee to prepare a declaration of rights and such a plan of government as would be most likely to maintain peace and order in the Colony and secure substantial and equal liberty to the people. On subsequent days the committee was enlarged; Mr. George Mason was added to it on the 18th. The declaration of rights was, on the 27th, reported by Mr. Archibald Cary, the chairman of the committee, and, after being twice read, was ordered to be printed for the perusal of members. It was considered in committee of the whole on the 29th of May and the 3d, 4th, 5th and 10th of June. It was then reported to the house with amendments. On the 11th the convention considered the amendments, and having agreed thereto, ordered that the declaration (with the amendments) be fairly transcribed and read a third time. This having been done on the 12th, the declaration was then read a third time and passed nem. cou. A manuscript copy of the first draft of the declaration, just as it was drawn by Mr. Mason, is in the library of Virginia. The declaration as it passed was adopted without alteration by the Convention of 1829-30, and re-adopted with amendments by the Convention of 1850-51. The Convention which assembled at Alexandria on the 13th day of February, 1864, made no change in the Bill of Rights. The committee to whom the subject was referred reported back the declaration as it was adopted by the Convention of 1850-51, without alteration, and on the 14th day of March, 1864, the same was unanimously re-adopted as follows :

A Declaration of Rights made by the Representatives of the good people of VIRGINIA, assembled in full and free Convention, which rights do pertain to them and their posterity as the basis and foundation of government.

1. That all men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity ; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

2. That all power is vested in, and consequently derived from, the people ; that Magistrates are their trustees and servants, and at all times amenable to them.

3. That government is, or ought to be, instituted for the common benefit, protection and security of the people, nation, or community ; of all the various modes and forms of government, that is best, which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of mal-administration ; and that, when any government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, unalienable, and indestructible right to reform, alter, or abolish it, in such manner as shall be judged most conducive to the public weal.

4. That no man, or set of men, are entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public services; which not being descendible, neither ought the offices of Magistrate, Legislator, or Judge, to be hereditary.

5. That the legislative, executive and judicial powers should be separate and distinct, and that the members thereof may be restrained from oppression, by feeling and participating the burthens of the people, they should, at fixed periods, be reduced to a private station, return into that body from which they were originally taken, and the vacancies be supplied by frequent, certain, and regular elections, in which all, or any part of the former members, to be again eligible, or ineligible, as the laws shall direct.

6. That all elections ought to be free; and that all men, having sufficient evidence of permanent common interest with, and attachment to, the community, have the right of suffrage, and cannot be taxed or deprived of their property for public uses, without their own consent, or that of their representatives so elected, nor bound by any law to which they have not, in like manner, assented, for the public good.

7. That all power of suspending laws, or the execution of laws by any authority, without consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.

8. That, in all capital or criminal prosecutions, a man hath a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence in his favor, and to a speedy trial by an impartial jury of twelve men of his vicinage, without whose unanimous consent he cannot be found guilty; nor can he be compelled to give evidence against himself; that no man be deprived of his liberty, except by the law of the land or the judgment of his peers.

9. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

10. That general warrants, whereby an officer or messenger may be commanded to search suspected places without evidence of a fact committed, or to seize any person or persons not named, or whose offence is not particularly described and supported by evidence, are grievous and oppressive, and ought not to be granted.

11. That, in controversies respecting property, and in suits between man and man, the ancient trial by jury of twelve men is preferable to any other, and ought to be held sacred.

12. That the freedom of the press is one of the great bulwarks of liberty, and can never be restrained but by despotic governments.

13. That a well regulated militia, composed of the body of the people, trained to arms, is the proper, natural and safe defence of a free state; that standing armies, in time of peace, should be avoided, as dangerous to liberty; and that in all cases, the military should be under strict subordination to, and governed by, the civil power.

14. That the people have a right to uniform government ; and therefore, that no government separate from, or independent of, the government of Virginia, ought to be erected or established within the limits thereof.

15. That no free government, or the blessings of liberty, can be preserved to any people, but by a firm adherence to justice, moderation, temperance, frugality, and virtue, and by a frequent recurrence to fundamental principles.

16. That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence ; and therefore all men are equally entitled to the free exercise of religion, according to the dictates of conscience ; and that it is the mutual duty of all to practice Christian forbearance, love, and charity towards each other.

CONSTITUTION OF VIRGINIA.

Whereas the delegates and representatives of the good people of Virginia, in convention assembled, on the twenty-ninth day of June, in the year of our Lord one thousand seven hundred and seventy-six—reciting and declaring, that whereas George the Third, king of Great Britian and Ireland and elector of Hanover, before that time entrusted with the exercise of the kingly office in the government of Virginia, had endeavored to pervert the same into a detestable and insupportable tyranny, by putting his negative on laws the most wholesome and necessary for the public good ; by denying his governors permission to pass laws of immediate and pressing importance, unless suspended in their operation for his assent, and when so suspended, neglecting to attend to them for many years ; by refusing to pass certain other laws, unless the persons to be benefited by them would relinquish the inestimable right of representation in the legislature ; by dissolving legislative assemblies repeatedly and continually, for opposing with manly firmness his invasions of the rights of the people ; when dissolved, by refusing to call others for a long space of time, thereby leaving the political system without any legislative head ; by endeavoring to prevent the population of our country, and for that purpose obstructing the laws for the naturalization of foreigners ; by keeping among us, in time of peace, standing armies and ships of war ; by affecting to render the military independent of and superior to the civil power ; by combining with others to subject us to a foreign jurisdiction, giving his assent to their pretended acts of legislation, for quartering large bodies of armed troops among us, for cutting off our trade with all parts of the world, for imposing taxes on us without our consent, for depriving us of the benefits of the trial by jury, for transporting us beyond seas for trial for pretended offences, for suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever ; by plundering our seas, ravaging our coasts, burning our towns, and destroying the lives of our people ; by inciting insurrections of our fellow subjects with the allurements of forfeiture and confiscation ; by prompting our negroes to rise in arms among us—those very negroes, whom, by an inhuman use of his negative, he had refused us permission to exclude by

law ; by endeavoring to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes and conditions of existence ; by transporting hither a large army of foreign mercenaries to complete the work of death, desolation and tyranny, then already begun with circumstances of cruelty and perfidy unworthy the head of a civilized nation ; by answering our repeated petitions for redress with a repetition of injuries ; and finally, by abandoning the helm of government, and declaring us out of his allegiance and protection ; by which several acts of misrule, the government of this country, as before exercised under the crown of Great Britian, was totally dissolved—did, therefore, having maturely considered the premises, and viewing with great concern the deplorable condition to which this once happy country would be reduced, unless some regular, adequate mode of civil policy should be speedily adopted, and in compliance with the recommendation of the general congress, ordain and declare a form of government of Virginia.

And whereas a convention held on the first Monday in October, in the year one thousand eight hundred and twenty-nine, did propose to the people of the Commonwealth an amended Constitution or form of government, which was ratified by them :

And whereas the general assembly of Virginia, by an act passed on the fourth of March, in the year one thousand eight hundred and fifty, did provide for the election, by the people, of delegates to meet in general convention, to consider, discuss and propose a new constitution, or alterations and amendments to the existing constitution of this commonwealth ; and by an act passed on the thirteenth of March, in the year one thousand eight hundred and fifty-one, did further provide for submitting the same to the people for ratification or rejection ; and the same having been submitted accordingly was ratified by them :

And whereas the General Assembly of Virginia by an act passed on the twenty-first day of December, in the year one thousand eight hundred and sixty-three, did provide for the election, by the people, of delegates to meet in general convention to consider, discuss and adopt alterations and amendments to the existing constitution of this commonwealth. We, therefore, the delegates of the good people of Virginia, elected and in convention assembled, in pursuance of said act, have adopted the following constitution and form of government for this commonwealth :

ARTICLE I.

BILL OF RIGHTS.

The declaration of rights, as prefixed to this Constitution, shall have the same relation thereto as it had to the former constitution.

ARTICLE II.

DIVISION OF POWERS.

The legislative, executive and judiciary departments shall be separate and distinct, so that neither exercise the powers properly belonging to either of the others; nor shall any person exercise the powers of more than one of them at the same time, except that justices of the peace shall be eligible to either house of assembly.

ARTICLE III.

QUALIFICATION OF VOTERS.

1. Every white male citizen of the Commonwealth, of the age of twenty-one years, who has been a resident of the State for one year, and of the county, city or town where he offers to vote for six months next preceding an election, and who has paid all taxes assessed to him, after the adoption of this constitution, under the laws of the commonwealth after the re-organization of the county, city or town where he offers to vote, shall be qualified to vote for members of the General Assembly, and all officers elective by the people. *Provided however*, that no one shall be allowed to vote who, when he offers to vote, shall not thereupon take, or shall not before have taken, the following oath: "I do solemnly swear (or affirm) that I will support the Constitution of the United States and the laws made in pursuance thereof, as the supreme law of the land, anything in the constitution and laws of the State of Virginia, or in the ordinances of the convention which assembled at Richmond on the thirteenth day of February, eighteen hundred and sixty-one, to the contrary notwithstanding; and that I will uphold and defend the government of Virginia as restored by the Convention which assembled at Wheeling on the eleventh day of June, eighteen hundred and sixty-one, and that I have not since the first day of January, eighteen hundred and sixty-four, voluntarily given aid or assistance, in any way, to those in rebellion against the Government of the United States for the purpose of promoting the same." But the Legislature shall have power to pass an act or acts prescribing means by which persons who have been disfranchised by this provision shall or may be restored to the rights of voters when in their opinion it will be safe to do so. Any person falsely so swearing shall be subject to the penalties of perjury.

No person shall hold any office under this Constitution who shall not have taken and subscribed the oath aforesaid. But no person shall vote or hold office under this constitution who has held office under the so-called confederate government, or under any rebellious State government, or who has been a member of the so-called confederate congress, or a member of any State Legislature in rebellion

against the authority of the United States, excepting therefrom county officers.

No person in the military, Naval or Marine service of the United States shall be deemed a resident of this State by reason of being stationed therein ; but citizens of this State, when in the military service of the United States, shall be permitted to vote under such regulations as may be prescribed by the General Assembly, wherever they may be stationed, the same as if they were within their respective cities, counties or districts. No person shall have the right to vote who is of unsound mind or a pauper, or who has been convicted of bribery in an election, or of any infamous offence.

2. The General Assembly, as occasion may require, shall cause every city or town, the white population of which exceeds five thousand, to be laid off into convenient wards, and a separate place of voting to be established in each ; and thereafter no inhabitant of such city or town shall be allowed to vote except in the ward in which he resides.

3. No voter, during the time for holding any election at which he is entitled to vote, shall be compelled to perform military service except in time of war or public danger ; to work upon the public roads, or to attend any court as suiter, juror or witness ; and no voter shall be subject to arrest under any civil process during his attendance at elections, or in going to or returning from them.

4. In all elections for members of the General Assembly and other State officers, votes shall be given by ballot, and not viva voce, for which the General Assembly shall provide by law, at its first session after the adoption of this Constitution, but until such provision shall have been made, votes shall be given as heretofore.

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

1. The Legislative power of this Commonwealth shall be vested in a General Assembly, which shall consist of a Senate and House of Delegates.

2. The House of Delegates shall consist of not less than eighty and of not more than one hundred and four members. The Senate shall never be less than one-fourth nor more than one-third the number of the House of Delegates.

3. The House of Delegates shall be elected biennially by the voters of the cities of Norfolk and Richmond, and the several counties, on the fourth Thursday in May.

4. The counties of Augusta, and Rockingham, and the City of Richmond, shall each elect three Delegates ; the counties of Accomac, Albemarle, Bedford, Berkeley, Campbell, Fauquier, Franklin, Frederick, Halifax, Henrico, Jefferson, Loudoun, Norfolk, Pittsylvania, Rockbridge, Scott, Shenandoah and Washington, shall each

elect two Delegates ; the county of Dinwiddie and the City of Petersburg shall together elect two Delegates, and the City of Norfolk shall elect two Delegates.

The counties of Alleghany, Amherst, Bottetourt, Caroline, Carroll, Chesterfield, Floyd, Giles, Grayson, Hanover, Henry, Lee, Louisa, Mecklenburg, Montgomery, Nansemond, Nelson, Northampton, Page, Patrick, Prince William, Princess Anne, Rappahannock, Russell, Smyth, Southampton, Spottsylvania, Tazewell and Wythe shall each elect one Delegate.

The following counties and cities shall compose election districts ; Appomattox and Prince Edward, Amelia, Powhatan and Nottoway, Bath and Highland, Brunswick and Greenville, Bland and Pulaski, Buchanan and Wise, Buckingham and Cumberland, Charlotte and Lunenburg, Charles City, James City and New Kent, Clarke and Warren, Craig and Roanoke, Culpepper and Orange, Elizabeth City, York, Warwick and City of Williamsburg, Essex and Middlesex, Fluvanna and Goochland, Gloucester and Matthews, Greene and Madison, Isle of Wight and Surry, King George and Stafford, King & Queen and King William, Lancaster and Northumberland, Prince George and Sussex, Richmond and Westmorland, each of which districts shall elect one Delegate.

At the first general election under this Constitution the County of Alexandria shall elect two Delegates, and the County of Fairfax one Delegate. At the second general election, the County of Fairfax shall elect two Delegates, and the County of Alexandria shall elect one Delegate, and so on alternately at succeeding elections.

The Senate.

5. The Senators shall be elected for the term of four years, for the election of whom the counties, Cities and towns, shall be divided into thirty-four (34) districts.

Each county, City and town of the respective districts at the time of the first election of its Delegate or Delegates under this Constitution, shall vote for one Senator, and the Sheriffs or other officers holding the election for each county, city and town within ten days at the farthest after the last election in the district, and from the polls so taken in their respective counties, cities and towns, return as Senator the person who has received the greatest number of votes in the whole district.

For the Election of Senators.

- I. The counties of Accomac and Northampton shall form one district.
- II. The city of Norfolk shall be another district.
- III. The counties of Norfolk and Princess Anne shall form another district.
- IV. The counties of Isle of Wight, Nansemond, Surry and Southampton shall form another district.
- V. The counties of Sussex, Prince George and Dinwiddie shall form another district.
- VI. The counties of Louisa, Henrico and Hanover shall form another district.

VII. The counties of Matthews, Gloucester, Middlesex, King and Queen, King William and Essex shall form another district.

VIII. The counties of Lancaster, Northumberland, Richmond, Westmoreland, Caroline and King George shall form another district.

IX. The counties of James City, Charles City, New Kent, York, Elizabeth City, Warwick and the City of Williamsburg shall form another district.

X. The city of Richmond shall be another district.

XI. The counties of Chesterfield, Amelia, Prince Edward, Cumberland and Powhatan shall form another district.

XII. The counties of Buckingham, Albemarle, Fluvanna and Goochland shall form another district.

XIII. The counties of Spottsylvania, Stafford, Orange and Prince William shall form another district.

XIV. The counties of Alexandria and Fairfax shall form another district.

XV. The counties of Frederick, Clarke and Warren shall form another district.

XVI. The county of Loudoun shall be another district.

XVII. The counties of Rappahannock, Fauquier, Madison and Culpepper shall form another district.

XVIII. The counties of Shenandoah and Page shall form another district.

XIX. The counties of Rockingham and Greene shall form another district.

XX. The county of Augusta shall be another district.

XXI. The counties of Rockbridge and Nelson shall form another district.

XXII. The counties of Alleghany, Bath, Highland and Botetourt shall form another district.

XXIII. The counties of Appomattox, Campbell and Charlotte shall form another district.

XXIV. The counties of Mecklenburg, Lunenburg, Nottoway, Brunswick and Greenville shall form another district.

XXV. The counties of Pittsylvania and Halifax shall form another district.

XXVI. The counties of Amherst and Bedford shall form another district.

XXVII. The counties of Henry and Franklin shall form another district.

XXVIII. The counties of Giles, Montgomery, Roanoke and Craig shall form another district.

XXIX. The counties of Carroll, Floyd and Patrick shall form another district.

XXX. The counties of Wythe, Grayson, Pulaski and Bland shall form another district.

XXXI. The counties of Washington and Smyth shall form another district.

XXXII. The counties of Buchanan, Russell and Tazewell shall form another district.

XXXIII. The counties of Scott, Lee and Wise shall form another district.

XXXIV. The counties of Berkley and Jefferson shall form another district.

6. It shall be the duty of the General Assembly, in the year one thousand eight hundred and seventy, and in every tenth year thereafter, to re-apportion representation in the Senate and House of Delegates among the cities of Norfolk and Richmond, and the several counties, from an enumeration of the inhabitants of the State.

Qualification of Senators and Delegates.

7. Any person may be elected Senator who at the time of election has attained the age of twenty-five years, is actually a resident within the district, and qualified to vote for members of the General Assembly according to this Constitution. And any person may be elected a member of the House of Delegates who at the time of election has attained the age of twenty-one years, and is actually a resident within the county, city, town or election district, qualified to vote for members of the General Assembly according to this Constitution; but no person holding a lucrative office, no minister of the gospel, priest of any religious denomination, or salaried officer of any banking corporation or company, and no attorney for the common-

wealth, shall be capable of being elected a member of either house of the General Assembly. The removal of any person elected to either branch of the General Assembly from the city, county, town or district for which he was elected, shall vacate his office.

Powers and Duties of the General Assembly.

8. The General Assembly shall meet annually and not oftener, unless convened by the Governor in the manner prescribed in this constitution.

No session of the General Assembly, after the first under this constitution, shall continue longer than sixty days, without the concurrence of three-fifths of the members elected to each house, in which case the session may be extended for a further period, not exceeding thirty days.

Neither house during the session of the General Assembly shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

A majority of the members elected to each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and shall be authorized to compel the attendance of absent members, in such manner and under such penalty as each house may provide.

9. The House of Delegates shall choose its own speaker, and in the absence of the lieutenant governor, or when he shall exercise the office of governor, the senate shall choose from their own body a president pro tempore, and each house shall appoint its own officers, settle its own rules of proceeding, and direct writs of election for supplying intermediate vacancies, but if vacancies shall occur during the recess of the General Assembly, such writs may be issued by the governor, under such regulations as may be prescribed by law.

Each house shall judge of the election, qualification and returns of its members, may punish them for disorderly behavior, and with the concurrence of two-thirds expel a member, but not a second time for the same offence.

10. The members of the General Assembly shall receive for their services a compensation to be ascertained by law and paid out of the public treasury, but no act increasing such compensation shall take effect until after the end of the term for which the members of the House of Delegates voting thereon were elected.

And no senator or delegate during the term for which he shall have been elected shall be appointed to any civil office of profit under the commonwealth, which has been created, or the emoluments of which have been increased during such term, except offices filled by election by the people.

11. Bills and resolutions may originate in either of the two houses

of the General Assembly, to be approved or rejected by the other, and may be amended by either house with the consent of the other.

12. Each house of the General Assembly shall keep a journal of its proceedings, which shall be published from time to time, and the yeas and nays of the members of either house, on any question, shall, at the desire of one-fifth of those present, be entered on the journal. No bill shall become a law until it has been read on three different days of the session in the house in which it originated, unless two-thirds of the members elected to that house shall otherwise determine.

13. The whole number of members to which the State may at any time be entitled in the House of Representatives of the United States, shall be apportioned as nearly as may be, amongst the several counties, cities and towns of the State according to their population.

14. In the apportionment, the State shall be divided into districts corresponding in number with the representatives to which it may be entitled in the House of Representatives of the Congress of the United States, which shall be formed respectively of contiguous counties, cities and towns, be compact, and include, as nearly as may be, an equal number of population.

15. The privilege of the writ of habeas corpus shall not in any case be suspended. The general assembly shall not pass any bill of attainder; or any *ex post facto* law; or any law impairing the obligation of contracts; or any law whereby private property shall be taken for public uses without just compensation; or any law abridging the freedom of speech or of the press. No man shall be compelled to frequent or support any religious worship, place or ministry whatsoever; nor shall any man be enforced, restrained, molested or burthened in his body or goods, or otherwise suffer, on account of his religious opinions or belief; but all men shall be free to profess, and by argument to maintain their opinions in matters of religion, and the same shall in nowise affect, diminish or enlarge their civil capacities. And the General Assembly shall not prescribe any religious test whatever; or confer any peculiar privileges or advantages on any sect or denomination; or pass any law requiring or authorizing any religious society, or the people of any district within this commonwealth, to levy on themselves or others any tax for the erection or repair of any house of public worship, or for the support of any church or ministry; but it shall be left free to every person to select his religious instructor, and to make for his support such private contract as he shall please.

16. No law shall embrace more than one object, which shall be expressed in its title; nor shall any law be revived, or amended by reference to its title, but the act revived or the section amended shall be re-enacted and published at length.

17. The General Assembly may provide that no person shall be capable of holding, or being elected to, any post of profit, trust or emolument, civil or military, legislative, executive or judicial, under

the government of this Commonwealth, who shall hereafter fight a duel, or send or accept a challenge to fight a duel, the probable issue of which may be the death of the challenger or challenged, or who shall be a second to either party, or shall in any manner aid or assist in such duel, or shall be knowingly the bearer of such challenge or acceptance; but no person shall be so disqualified by reason of his having heretofore fought such duel, or sent or accepted such challenge, or been second in such duel, or bearer of such challenge or acceptance.

18. The governor, lieutenant governor, judges, and all others offending against the State, by maladministration, corruption, neglect of duty or other high crime or misdemeanor, shall be impeachable by the House of Delegates, and be prosecuted before the senate, which shall have the sole power to try impeachment.

When sitting for that purpose they shall be on oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the members present. Judgment in case of impeachment shall not extend further than to removal from office, and disqualification to hold or enjoy any office of honor, trust or profit under the Commonwealth; but the party convicted shall nevertheless be subject to indictment, trial, judgment and punishment according to law. The Senate may sit, during the recess of the General Assembly, for the trial of impeachment.

Slavery or Freedom.

19. Slavery and involuntary servitude (except for crime) is hereby abolished and prohibited in the State forever.

20. Courts of competent jurisdiction may apprentice minors of African descent on like conditions provided by law, for apprenticing white children.

21. The General Assembly shall make no law establishing slavery or recognizing property in human beings.

22. A capitation tax, equal to the tax assessed on land of the value of two hundred dollars, shall be levied on every white male inhabitant who has attained the age of twenty-one years; and one equal moiety of the capitation tax upon white persons shall be applied to the purposes of education in primary and free schools; but nothing herein contained shall prevent exemptions of taxable polls in cases of bodily infirmity.

23. Taxation shall be equal and uniform throughout the Commonwealth, and all property shall be taxed in proportion to its value, which shall be ascertained in such manner as may be prescribed by law.

The General Assembly may levy a tax on incomes, salaries and licenses; but no tax shall be levied on property from which any income so taxed is derived, or the capital invested in trade or business in respect to which the license so taxed is issued.

24. No money shall be drawn from the treasury, but in pursuance of appropriation made by law; and a statement of receipts, disbursements, appropriations and loans shall be published after the adjournment of each session of the General Assembly with the acts and resolutions thereof.

25. On the passage of every act which imposes, continues or revives a tax, or creates a debt or charge, or makes, continues or revives any appropriation of public or trust money or property, or releases, discharges or commutes any claim or demand of the State, the vote shall be determined by yeas and nays, and the names of the persons voting for and against the same shall be entered on the journals of the respective houses, and a majority of all the members elected to each house shall be necessary to give it the force of a law.

26. The liability to the State of any incorporated company or institution to redeem the principal and pay the interest of any loan heretofore made or which may hereafter be made by the State to such company or institution, shall not be released; and the General Assembly shall not pledge the faith of the State, or bind it in any form for the debt or obligation of any company or corporation.

27. The General Assembly shall provide by law for adjusting with the State of West Virginia the proportion of the public debt of Virginia, proper to be borne by the States of Virginia and of West Virginia respectively; and may authorize, in conjunction with the State of West Virginia, the sale of all lands and property of every description, including all stocks and other interests owned and held by the State of Virginia in banks, works of internal improvement, and other companies at the time of the formation of the State of West Virginia, and no ordinance passed by the convention which assembled at Wheeling on the eleventh day of June, eighteen hundred and sixty-one, adjusting the public debt between Virginia and West Virginia, shall be binding upon this State.

It shall not provide for the payment of any debt or obligation created in the name of the State of Virginia by the usurped and pretended State authorities at Richmond. And it shall not allow any county, city or corporation, to levy or collect any tax for the payment of any debt created for the purpose of aiding any rebellion against the State or the United States.

The legislature shall not provide for the payment of any bonds now held by rebels in arms against the State or United States governments.

28. The General Assembly may at any time direct the sale of the stocks held by the Commonwealth in internal improvements, and other companies located within the limits of this Commonwealth, but the proceeds of such sale, if made before the payment of the public debt, shall be appropriated to the payment thereof.

29. No debt shall be contracted by this State except to meet casual deficits in the revenue, to redeem a previous liability of the State or to suppress insurrection, repel invasion or defend the State in

time of war. If the State becomes a stockholder in any association or corporation for purposes of internal improvements, such stock shall be paid for at the time of subscription, or a tax shall be levied for the ensuing year sufficient to pay the subscription in full.

General Provisions.

30. The General Assembly shall not grant a charter of incorporation to any church or religious denomination, but may secure the title to church property to an extent to be limited by law.

31. No lottery shall hereafter be authorized by law; and the buying, selling or transferring of tickets or chances in any lottery not now authorized by a law of this State shall be prohibited.

32. No new county shall be formed with an area of less than six hundred square miles; nor shall the county or counties from which it is formed be reduced below that area, nor shall any county, having a white population less than five thousand, be deprived of more than one-fifth of such population, nor shall a county having a larger white population be reduced below four thousand. But any county, the length of which is three times its mean breadth, or which exceeds fifty miles in length, may be divided at the discretion of the General Assembly. In all general elections the voters in any county not entitled to separate representation shall vote in the same election district.

33. The General Assembly shall confer on the courts the power to grant divorces, change the names of persons, and direct the sale of estates belonging to infants and other persons under legal disabilities, but shall not, by special legislation, grant relief in such cases, or in any other case of which the courts or other tribunals may have jurisdiction.

34. The General Assembly shall provide for the periodical registration in the several counties, cities and towns of the voters therein; and for the annual registration of births, marriages and deaths in the white population, and of the births and deaths in the colored population.

35. The manner of conducting and making returns of elections, of determining contested elections, and of filling vacancies in office, in cases not specially provided for by this constitution, shall be prescribed by law; but special elections to fill vacancies in the office of judge of any court shall be for a full term. And the General Assembly may declare the cases in which any office shall be deemed vacant, where no provision is made for that purpose in this constitution;

ARTICLE V.

EXECUTIVE DEPARTMENT.

Governor.

1. The chief executive power of this Commonwealth shall be vested in a Governor. He shall hold the office for the term of four

years, to commence on the first day of January next succeeding his election, and be ineligible to the same office for the term next succeeding that for which he was elected, and to any other office during his term of service.

2. The governor shall be elected by the voters, at the times and and places of choosing members of the General Assembly. Returns of the elections shall be transmitted, under seal, by the proper officers, to the Secretary of the Commonwealth, who shall deliver them to the speaker of the House of Delegates on the first day of the next session of the General Assembly. The Speaker of the House of Delegates shall, within one week thereafter, in the presence of the Senate and House of Delegates, open the said returns, and the votes shall then be counted. The person having the highest number of votes shall be declared elected; but if two or more shall have the highest and an equal number of votes, one of them shall be chosen governor by the joint vote of the two houses of the General Assembly. Contested elections for governor shall be decided by a like vote, and the mode of proceeding in such cases shall be prescribed by law.

3. No person shall be eligible to the office of governor unless he has attained the age of thirty years, is a native citizen of the United States, and has been a citizen of Virginia for five years next preceding his election.

4. The Governor shall reside at the seat of government; shall receive five thousand dollars for each year of his services, and while in office, shall receive no other emolument from this or any other government.

5. He shall take care that the laws be faithfully executed; communicate to the General Assembly at every session the condition of the Commonwealth; recommend to their consideration such measures as he may deem expedient; and convene the General Assembly on application of a majority of the members of both houses thereof, or when in his opinion the interest of the Commonwealth may require it. He shall be commander-in-chief of the land and naval forces of the State; have power to embody the militia to repel invasion, suppress insurrection, and enforce the execution of the laws; conduct, either in person or in such other manner as shall be prescribed by law, all intercourse with other and foreign States; and, during the recess of the General Assembly, fill, pro tempore, all vacancies in those offices for which the Constitution and laws make no provision; but his appointments to such vacancies shall be by commission to expire at the end of thirty days after the commencement of the next session of the General Assembly. He shall have power to remit fines and penalties in such cases and under such rules and regulations as may be prescribed by law; and, except when the prosecution has been carried on by the House of Delegates, or the law shall otherwise particularly direct, to grant reprieves and pardons after conviction, and

to commute capital punishment : but he shall communicate to the General Assembly, at each session, the particulars of every case of fine or penalty remitted, of reprieve or pardon granted, and of punishment commuted, with his reasons for remitting, granting or commuting the same.

6. He may require information in writing from the officers in the executive department, upon any subject relating to the duties of their respective offices ; and may also require the opinion in writing of the attorney general upon any question of law connected with his official duties.

7. Commissions and grants shall run in the name of the Commonwealth of Virginia, and be attested by the governor, with the seal of the Commonwealth annexed.

Lieutenant Governor.

8. A lieutenant governor shall be elected at the same time, and for the same term as the governor, and his qualification and the manner of his election in all respects shall be the same.

9. In case of the removal of the governor from office, or of his death, failure to qualify, resignation, removal from the State, or inability to discharge the powers and duties of the office, the said office, with its compensation, shall devolve upon the lieutenant governor ; and the General Assembly shall provide by law for the discharge of the executive functions in other necessary cases.

10. The lieutenant governor shall be President of the Senate, but shall have no vote ; and while acting as such shall receive a compensation equal to that allowed to the speaker of the House of Delegates.

Secretary of the Commonwealth, Treasurer and Auditor.

11. A secretary of the Commonwealth, treasurer and an auditor of public accounts shall be elected by the joint vote of the two houses of the General Assembly, and continue in office for the term of two years, unless sooner removed.

12. The secretary shall keep a record of the official acts of the governor, which shall be signed by the governor and attested by the secretary ; and when required, he shall lay the same, and any papers, minutes and vouchers pertaining to his office, before either house of the General Assembly ; and shall perform such other duties as may be prescribed by law.

13. The powers and duties of the treasurer and auditor shall be such as now are, or may be hereafter prescribed by law.

Board of Public Works.

14. There shall be a Board of Public Works, to consist of three commissioners. The State shall be divided into three districts containing as nearly as may be equal numbers of voters, and the voters of each district shall elect one commissioner, whose term of office shall be six years; but of those first elected, one, to be designated by lot, shall remain in office for two years only, and one other, to be designated in like manner, shall remain in office for four years only.

15. The General Assembly shall provide for the election and compensation of the commissioners, and the organization of the board. The commissioners, first elected shall assemble on a day to be appointed by law, and decide by lot the order in which their term of service shall expire.

16. The Board of Public Works shall appoint all officers employed on the public works, and all persons representing the interest of the Commonwealth in works of internal improvement, and shall perform such other duties as may be prescribed by law.

17. The members of the Board of Public Works may be removed by the concurrent vote of a majority of all the members elected to each house of the General Assembly; but the cause of removal shall be entered on the journal of each house.

18. The General Assembly shall have power, by a vote of three-fifths of the members elected to each house, to abolish said board whenever in their opinion a Board of Public Works shall no longer be necessary; and until the General Assembly shall direct an election of a board of public works, after the adoption of this constitution, and such board shall have been duly elected and qualified, the governor, auditor and treasurer of the Commonwealth shall constitute said board, and shall exercise the authority and discharge the duties thereof, and the Secretary of the Commonwealth shall discharge the duties of the clerk of the said board.

Militia.

19. The manner of appointing Militia Officers shall be prescribed by law.

ARTICLE VI.

JUDICIARY DEPARTMENT.

1. There shall be a supreme court of appeals, district courts, and circuit courts. The jurisdiction of these tribunals and of the judges thereof, except so far as the same is conferred by this Constitution, shall be regulated by law:—The judges shall be chosen by the joint

vote of the two houses of the General Assembly, from persons nominated by the Governor.

Judicial Division.

2. The State shall be divided into sixteen judicial circuits, seven districts, and three sections.

I. The counties of Princess Anne, Norfolk, Nansemond, Isle of Wight, Southampton, Greensville, Surry and Sussex, and the city of Norfolk, shall constitute the first circuit.

II. The counties of Prince George, Dinwiddie, Brunswick, Mecklenberg, Lunenburg, Nottoway, Amelia, Chesterfield and Powhatan, and the city of Petersburg, shall constitute the second circuit.

III. The counties of Cumberland, Buckingham, Appomattox, Campbell, Prince Edward, Charlotte and Halifax, and the town of Lynchburg, shall constitute the third circuit.

IV. The counties of Pittsylvania, Bedford, Franklin, Patrick and Henry, shall constitute the fourth circuit.

V. The counties of Accomac and Northampton shall constitute the fifth circuit.

VI. The counties of Elizabeth City, Warwick, York, Gloucester, Matthews, Middlesex, Henrico, New Kent, Charles City and James City, and the city of Williamsburg, shall constitute the sixth circuit.

VII. The city of Richmond shall be the seventh circuit.

VIII. The counties of Lancaster, Northumberland, Richmond, Westmoreland, King George, Spottsylvania, Caroline, Hanover, King William, King and Queen, and Essex, shall constitute the eighth circuit.

IX. The counties of Stafford, Prince William, Alexandria, Fairfax, Loudoun, Fauquier and Rappahannock, shall constitute the ninth circuit.

X. The counties of Culpepper, Madison, Greene, Orange, Albemarle, Louisa, Fluvanna and Goochland, shall constitute the tenth circuit.

XI. The counties of Nelson, Amherst, Rockbridge, Augusta and Bath, shall constitute the eleventh circuit.

XII. The counties of Highland, Rockingham, Page, Shenandoah and Warren, shall constitute the twelfth circuit.

XIII. The counties of Clarke, Frederick, Berkeley and Jefferson, shall constitute the thirteenth circuit.

XIV. The counties of Alleghany, Bottetourt, Roanoke, Craig and Giles, shall constitute the fourteenth circuit.

XV. The counties of Grayson, Carroll, Wythe, Floyd, Pulaski and Montgomery, shall constitute the fifteenth circuit.

XVI. The counties of Smyth, Tazewell, Bland, Washington, Russell, Scott, Lee, Wise and Buchanan, shall constitute the sixteenth circuit.

3. The first and second circuits shall constitute the first district; the third and fourth circuits the second district; the fifth and sixth and seventh circuits the third district; the eighth and ninth circuits the fourth district; the tenth and eleventh circuits the fifth district; the twelfth and thirteenth circuits the sixth district, and the fourteenth, fifteenth and sixteenth circuits the seventh district.

4. The first and second districts shall constitute the first section ; and third and fourth districts the second section, and the fifth, sixth and seventh districts the third section.

5. The General Assembly may at the end of five years after the adoption of this constitution, and thereafter at intervals of ten years, re-arrange the said circuits, districts and sections and place any number of circuits in a district and of districts in a section ; but each circuit shall be altogether in one district and each district in one section ; and there shall not be less than two districts and four circuits in a section, and the number of sections shall not be diminished.

Circuit Courts.

6. For each circuit a judge shall be chosen in the manner hereinbefore provided, who shall hold his office for the term of eight years unless sooner removed in the manner prescribed by this Constitution. He shall, at the time of being chosen, be at least thirty years of age, and shall have resided in the State one year next preceding his election, and during his continuance in office shall reside in the circuit of which he is judge.

7. A circuit court shall be held at least twice a year by the judge of each circuit, in every county and corporation thereof, wherein a circuit court is now or may hereafter be established. But the judges in the same district may be required or authorized to hold the courts of their respective circuits alternately, and a judge of one circuit to hold a court in any other circuit.

District Courts.

8. A district court shall be held at least once a year in every district, by the judges of the circuits constituting the section and the judge of the supreme court of appeals for the section of which the district forms a part, any three of whom may hold a court; but no judge shall sit or decide upon an appeal taken from his own decision.

ion. The judge of the supreme court of appeals of one section may sit in district courts of another section, when required or authorized by the law to do so.

9. The district courts shall not have original jurisdiction, except in cases of *habeas corpus*, *mandamus* and prohibition.

Court of Appeals

10. For each section a judge shall be chosen in the manner hereinbefore provided, who shall hold his office for the term of twelve years unless sooner removed in the manner prescribed by this constitution. He shall at the time of his being chosen be at least thirty years of age, and shall have resided in the State one year next preceding his election, and during his continuance in office he shall reside in the section for which he is chosen.

11. The supreme court of appeals shall consist of three judges so chosen, any two of whom may hold a court. It shall have appellate jurisdiction only, except in cases of *habeas corpus*, *mandamus* and prohibition. It shall not have jurisdiction in civil cases where the matter in controversy, exclusive of costs, is less in value or amount than five hundred dollars, except in controversies concerning the title or boundaries of land, the probate of a will, the appointment or qualification of a personal representative, guardian, committee or curator; or concerning a mill, road, way, ferry or landing, or the right of a corporation or of a county to levy tolls or taxes, and except in cases of *habeas corpus*, *mandamus* and prohibition, and cases involving freedom or the constitutionality of a law.

12. Special courts of appeals, to consist of not less than three nor more than five judges, may be formed of the judges of the supreme court of appeals, and of the circuit courts, or any of them, to try any cases being on the dockets of the supreme court of appeals when this constitution goes into operation; or to try any cases which may be on the dockets of the supreme court of appeals, in respect to which a majority of the judges of said court may be so situated as to make it improper for them to sit on the hearing thereof. And a special court of appeals, to consist of not less than three nor more than five judges, may be formed of the judges of the circuit courts, to exercise the jurisdiction and perform the duties of the supreme court of appeals and of the judges thereof, until the judges of the supreme court of appeals shall have been duly chosen and qualified.

13. When a judgment or decree is reversed or affirmed by the supreme court of appeals, the reasons therefor shall be stated in writing, and preserved with the record of the case.

General Provisions.

14. Judges shall be commissioned by the governor, and shall receive fixed and adequate salaries, which shall not be diminished

during their continuance in office. The salary of a judge of the supreme court of appeals shall not be less than three thousand dollars, and that of a judge of a circuit court not less than two thousand dollars per annum, except that of the judge of the fifth circuit, which shall not be less than fifteen hundred dollars per annum, and each shall receive a reasonable allowance for necessary travel.

16. No judge, during his term of service, shall hold any other office, appointment, or public trust, and the acceptance thereof shall vacate his judicial office; nor shall he, during such term, or within one year thereafter, be eligible to any political office.

16. Judges may be removed from office by a concurrent vote of both houses of the General Assembly, but a majority of all the members elected to each house must concur in such vote; and the cause of removal shall be entered on the journal of each house. The judge against whom the General Assembly may be about to proceed, shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least twenty days before the day on which either house of the General Assembly shall act thereupon.

17. The officers of the supreme court of appeals and of the district courts shall be appointed by the said courts respectively, or by the judges thereof in vacation. Their duties, compensation, and tenure of office, shall be prescribed by law.

18. The voters of each county or corporation in which a circuit court is held shall elect a clerk of such court, whose term of office shall be six years. The attorney for the commonwealth, elected for a county or corporation wherein a circuit court is directed to be held, shall be attorney for the commonwealth for that court; but in case a circuit court is held for a city, or for a county and a city, there shall be an attorney for the commonwealth for such, to be elected by the voters of such city, or county and city, and to continue in office for the term of four years. The duties and compensation of these officers, and the mode of removing them from office, shall be prescribed by law.

19. When a vacancy shall occur in the office of clerk of any court, (except it be a county or corporation court,) such court or the judges thereof, in vacation, may appoint a clerk *pro tempore*, who shall discharge the duties of the office until the vacancy is filled; when such vacancy shall occur in the office of clerk of a county or corporation court, (if in vacation,) the presiding justice thereof may appoint the clerk *pro tempore*, who shall discharge the duties of the office until the next term, and then the court shall appoint a *pro tempore* clerk to serve until the vacancy shall be filled.

20. The General Assembly shall provide for the compensation of jurors, but appropriations for that purpose shall not be made from the State Treasury, except in prosecutions for felony and misdemeanor.

21. At every election of a Governor, an attorney general shall be elected by the voters of the Commonwealth for the term of four years. He shall be commissioned by the Governor, shall perform such duties and receive such compensation as may be prescribed by law, and be removable in the manner prescribed for the removal of judges.

22. Judges and all other officers, whether elected or appointed, shall continue to discharge the duties of their offices after their terms of service have expired, until their successors are qualified.

23. Writs shall run in the name of the Commonwealth of Virginia, and be attested by the clerks of the several courts. Indictments shall conclude, against the peace and dignity of the Commonwealth.

County Courts.

24. There shall be in each county of the Commonwealth a county court, which shall be held monthly, by not less than three, nor more than five justices, except when the law shall require the presence of a greater number.

25. The jurisdiction of the said courts shall be the same as that of the existing county courts, except so far as it is modified by this constitution, or may be changed by law.

26. Each county shall be laid off into districts as nearly equal as may be in territory and population. Such districts as now laid off by law shall continue, subject to such changes as may hereafter be made by the General Assembly. In each district there shall be elected, by the voters thereof, four justices of the peace, who shall be commissioned by the governor, reside in their respective districts, and hold their offices for the term of four years. The justices so elected shall choose one of their own body, who shall be the presiding justice of the county court, and whose duty it shall be to attend each term of said court. The other justices shall be classified by law for the performance of their duties in court.

27. The justices shall receive for their services in court a per diem compensation, to be ascertained by law, and paid out of the county treasury, and such fees and emoluments for other services, as may be allowed them by law.

28. The power and jurisdiction of justices of the peace within their respective counties shall be prescribed by law.

County Officers.

29. The voters of each county shall elect a clerk of the county court, a surveyor, an attorney for the Commonwealth, a sheriff, and so many commissioners of the revenue as may be authorized by

law, who shall hold their respective offices as follows: The clerk, the commissioner of the revenue, and the surveyor for the term of six years; the attorney for the term of four years, and the sheriff for the term of two years. Constables and overseers of the poor shall be elected by the voters as may be prescribed by law.

30. The officers mentioned in the preceding section, except the attorneys, shall reside in the counties or districts for which they were respectively elected. No person elected for two successive terms to the office of sheriff shall be re-eligible to the same office for the next succeeding term; nor shall he, during his term of service, or within one year thereafter, be eligible to any political office.

31. The justices of the peace, sheriffs, attorneys for the Commonwealth, clerks of the circuit and county courts, and all other county officers, shall be subject to indictment for malfeasance, misfeasance or neglect of official duty; and upon conviction thereof, their offices shall become vacant.

Corporation Courts and Officers.

32. The General Assembly may vest such jurisdiction as shall be deemed necessary in corporation courts and in the magistrates who may belong to the corporate body.

33. All officers appertaining to the cities and other municipal corporations, shall be elected by the qualified voters, or appointed by the constituted authorities of such cities, or corporations, as may be prescribed by law.

Done in Convention, in the city of Alexandria, on the seventh day of April, in the year of our Lord one thousand eight hundred and sixty-four, and in the eighty-eighth year of the Commonwealth of Virginia.

LEROY G. EDWARDS,

President of the Convention.

W. J. COWING,

Secretary of the Convention.

SCHEDULE.

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1. It shall be the duty of the president of this convention, immediately on its adjournment, to certify to the governor a copy of the Bill of Rights and Constitution adopted, together with this schedule.

2. Upon the receipt of such certified copy, the governor shall forthwith announce the fact by proclamation, to be published in such manner as he may deem requisite for general information, and shall annex to his proclamation a copy of the Bill of Rights and Constitution, together with this schedule, all of which shall be published in the manner indicated. Ten printed copies thereof, shall by the secretary of the Commonwealth, be immediately transmitted by mail to the clerk of each county and corporation court in this Commonwealth, to be by such clerk submitted to the examination of any person desiring the same.

3. All ordinances and laws in force when this Constitution is adopted, and not inconsistent therewith, shall remain and continue as if this Constitution was not adopted; and so of all rights, prosecutions, actions, claims and contracts

4. All executive, judicial and other officers and members of the General Assembly now elected shall continue in office until their present terms expire, in the same manner as if this Constitution had not been adopted. The Senate may so fix the term of members first elected thereto from districts not now represented, that one-half the number of Senators (or as near that number as may be) shall be elected every two years.

5. The General Assembly shall pass all laws necessary for carrying this Constitution into full force and effect.

AN ORDINANCE

PROVIDING FOR THE ESTABLISHMENT OF THE RE- STORED GOVERNMENT.

Adopted the Fourth day of April, Eighteen Hundred and Sixty-four.

Be it ordained by the people of Virginia by their Delegates in Convention assembled at Alexandria, as follows :

Sec. 1. For the reorganization of each county in this Commonwealth not now organized, it shall be the duty of the Governor to issue his proclamation declaring all the offices therein vacant, civil and military, accompanied by a writ of election, directed to one or more commissioners, not exceeding three. All or any of said commissioners may act, and they shall have power to do all and everything that the sheriff and county court have now to do in holding an election for county officers, according to law now in force, or that may hereafter be enacted. The said commissioner shall have power to administer to each other an oath to faithfully perform the duties confided to them in superintending the said election, and to administer the oath of office to the Justices so elected. The judges appointed by them at each election district shall have power to administer to each other, the crier and writers, the oaths now prescribed by law to be by them taken. In case of failure to hold an election or of a sufficient number of Justices elected qualified to hold a county or corporation court in thirty days after the election, an alias writ shall be issued, directed in all manner like the first, and so on until officers are elected to hold a county court. In case of any sheriff or commissioner of the revenue failing to qualify within sixty days after the election, or a vacancy occurring in any county, the Governor shall appoint a person to fill said office, who shall give bond and qualify in the same manner as if he had been elected, and continue in office until his successor shall be elected at the next general

election in his county, and qualify to fill the office. The oath of office shall be the same as that prescribed by the convention which assembled at Wheeling on the eleventh day of June, eighteen hundred and sixty-one, with the addition to support this Constitution. All officers elected under this ordinance shall enter upon their duties immediately upon election and qualification, and the fraction of the year between the time of his election and the time at which his office shall expire, shall be counted for one year. In case of a contested election, it shall be decided as now prescribed by law.

Sec. 2. It shall be proper and legal for the voters of any county, when it shall be unsafe by reason of the presence of insurgent troops to open a poll or polls at the usual places of holding elections, to open the same in any other part of said county.

LEROY G. EDWARDS,

President of the Convention.

W. J. COWING,

Secretary of the Convention.

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AN ORDINANCE

FIXING THE COMPENSATION OF MEMBERS OF THE GENERAL ASSEMBLY AND OTHER OFFICERS.

Passed the Twenty-Eighth day of March, Eighteen Hundred and Sixty-Four.

Sec. 1. The people of Virginia, by their Delegates Assembled in Convention at Alexandria, do ordain that the compensation of the several members and officers of the General Assembly shall be as follows during the existing rebellion:

The President of the Senate and the Speaker of the House of Delegates shall each receive the sum of eight dollars per day.

Of the members of the Senate and House of Delegates, six dollars to each one for every day's attendance; but no person shall receive compensation for absence, unless from sickness.

Of the Clerks of the Senate and House of Delegates, for each day's attendance eight dollars, out of which they shall pay their assistants.

Sec. 2. This ordinance shall take effect from its passage, and may be altered or repealed by the General Assembly.

LEROY G. EDWARDS,

President of the Convention.

W. J. COWING,

Secretary of the Convention.

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AN ORDINANCE

PROVIDING FOR THE APPLICATION OF THE PROCEEDS DERIVED FROM THE SALE OF LANDS UNDER THE DIRECT TAX AND OTHER LAWS.

Adopted the Twenty-eighth day of March, Eighteen Hundred and Sixty-four.

Whereas, The Congress of the United States has provided by law that one half of the proceeds arising from the sale of real estate in the State of Virginia on account of the non-payment of the tax known as the direct tax, shall be held subject to the order of the — State, to be applied to the colonization of the colored population, and to other purposes:

Therefore, The people of Virginia, by their delegates assembled in Convention at Alexandria, do ordain as follows ;

That the General Assembly of Virginia shall, after the passage of this ordinance, whenever it shall be deemed necessary, provide by law for the application of any part of such fund as may be within the control of the State now or hereafter, not appropriated by Congress to colonization purposes, or any other fund hereafter appropriated by Congress to the use of the State, and all funds accruing to the State by confiscation and sale of property for treason, as follows ;

First, To the payment of loyal citizens of Virginia for losses sustained in consequence of the present rebellion, including the loss of slaves by escape during the existence of the rebellion or emancipation by the State, and the loss of time by unjust imprisonment.

Second, To the payment of the public debt of Virginia.

Third, To internal improvements by the State, and to such other purposes as the General Assembly may direct.

All taxes due the government of the United States on property confiscated and sold by the State of Virginia, shall be paid by the purchaser.

Fourth, The General Assembly shall take no steps towards settling claims due to loyal men for the loss of slaves or other property until the whole State shall have been recovered from the insurgents, and the amount ascertained which shall be due to them for such losses.

LEROY G. EDWARDS,

President of the Convention.

W. J. COWING,

Secretary of the Convention.

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AN ORDINANCE

PROVIDING FOR THE REMISSION OF TAXES IN CERTAIN CASES.

Adopted April Eighth, Eighteen Hundred and Sixty-Four.

Whereas, Taxation and protection should go together, and many loyal men are charged with taxes on property which they could not occupy at the time such taxes accrued, by reason of occupation by rebel forces :

And whereas, Such forces were there by invitation and consent of some of the inhabitants, who assisted the military to drive out the loyal men and seize their property, while they remained at home in peace and comfort, many of them making more money than they ever did before in the same length of time.

Therefore be it ordained by the people of Virginia by their delegates in Convention assembled at Alexandria :

Sec. 1. That all taxes due the State by loyal men for the time their property was outside the Federal lines, or where they have not had sufficient protection to pursue their ordinary avocations, are hereby released.

Sec. 2. Any person claiming exemption under this ordinance shall make the application to the county court, or any court of record, which court shall require such applicant to make a statement under oath or affirmation, of the length of time his or her business has been so interrupted ; also take and subscribe the following oath or affirmation :

“ I do solemnly swear (or affirm) that I have never voluntarily given aid, comfort or information to the enemies of the United States by act, word or deed.”

Sec. 3. If the court be satisfied that the applicant is entitled to exemption under this ordinance it shall give a certificate to that effect, which shall be given to the sheriff in lieu of the taxes released, and shall be his voucher to the State officers.

Sec. 4 Any person falsely taking the above oath or affirmation shall be subject to all the pains and penalties of willful perjury.

Sec. 5. This ordinance shall not be so construed as to compel the refunding of any money now in the treasury, and shall be in force from its passage.

LEROY G. EDWARDS,

President of the Convention.

W. J. COWING,

Secretary of the Convention.

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Virginia - Constitutional Convention. 18

(1867-68.)

Constitutional Convention.

Constitution of Virginia, -

FRAMED BY THE

CONVENTION

WHICH MET IN RICHMOND VIRGINIA THE THIRD DAY OF DECEMBER
EIGHTEEN HUNDRED AND SIXTY-SEVEN.

c

1870, Sept. 12.

Gift of
Hon. Chas. Sumner,
of Boston.
Pl. 16. 1830,

PREAMBLE,

BILL OF RIGHTS AND DIVISION OF POWERS.

PREAMBLE.

Whereas, the delegates and representatives of the good people of Virginia, in Convention assembled, on the 29th day of June, in the year of our Lord one thousand seven hundred and seventy-six, reciting and declaring, that whereas George the Third, King of Great Britain and Ireland and Elector of Hanover, before that time entrusted with the exercise of the kingly office in the Government of Virginia, had endeavored to pervert the same into a detestable and insupportable tyranny, by putting his negative on laws the most wholesome and necessary for the public good; by denying his governors permission to pass laws of immediate and pressing importance, unless suspended in their operation for his assent, and when so suspended, neglecting to attend to them for many years; by refusing to pass certain other laws, unless the persons to be benefitted by them would relinquish the inestimable right of representation in the Legislature; by dissolving legislative assemblies repeatedly and continually, for opposing with manly firmness, his invasions of the rights of the people; when dissolved, by refusing to call others for a long space of time, thereby leaving the political system without any legislative head; by endeavoring to prevent the population of our country, and for that purpose obstructing the laws for naturalization of foreigners; by keeping among us, in time of peace, standing armies and ships of war; by affecting to render the military independent of and superior to the civil power; by combining with others to subject us to a foreign jurisdiction, giving his assent to their pretended acts of legislation, for quartering large bodies of armed troops among us, for cutting off our trade with all parts of the world, for imposing taxes on us without our consent, for depriving us of the benefit of the trial by jury, for transporting us beyond the seas for trial for pretended offences, for suspending our own legislators, and declaring themselves invested with power to legislate for us in all cases whatsoever; by plundering our

seas, ravaging our coasts, burning our towns, and destroying the lives of our people; by inciting insurrections of our fellow-subjects with the allurements of forfeiture and confiscation; by prompting our negroes to rise in arms among us—those very negroes whom, by an inhuman use of his negative, he had refused us permission to exclude by law; by endeavoring to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes and conditions of existence; by transporting hither a large army of foreign mercenaries to complete the work of death, desolation and tyranny, then already begun, with circumstances of cruelty and perfidy unworthy the head of a civilized nation; by answering our repeated petitions for redress with a repetition of injuries; and finally, by abandoning the helm of government and declaring us out of his allegiance and protection; by which several acts of misrule the Government of this country, as before exercised under the Crown of Great Britain, was totally dissolved—did, therefore, having maturely considered the premises, and viewing with great concern the deplorable condition to which this once happy country would be reduced unless some regular, adequate mode of civil policy should be speedily adopted, and in compliance with the recommendation of the General Congress, ordain and declare a form of Government of Virginia.

And whereas, a Convention held on the first Monday in October, in the year one thousand eight hundred and twenty-nine, did propose to the people of this Commonwealth an amended Constitution, or form of government, which was ratified by them:

And whereas, the General Assembly of Virginia, by an act passed on the fourth of March in the year one thousand eight hundred and fifty, did provide for the election, by the people, of delegates to meet in general convention, to consider, discuss and propose a new Constitution, or alterations and amendments to the existing Constitution of this Commonwealth; and by an act passed on the thirteenth of March, in the year one thousand eight hundred and fifty-one, did further provide for submitting the same to the people for ratification or rejection; and the same having been submitted accordingly, was ratified by them:

And whereas, the General Assembly of Virginia, by an act passed on the twenty-first day of December, in the year one thousand eight hundred and sixty-three, did provide for the election, by the people, of delegates to meet in general convention to consider, discuss and adopt alterations and amendments to the existing Constitution of this Commonwealth, the delegates so assembled did, therefore, having maturely considered the

premises, adopt a revised and amended Constitution as the form of government of Virginia :

And whereas, the Congress of the United States did, by an act passed on the second day of March, in the year one thousand eight hundred and sixty-seven, and entitled, "An act to provide for the more efficient government of the rebel States," and by acts supplementary thereto, passed on the twenty-third day of March, and the nineteenth day of July, in the year one thousand eight hundred and sixty-seven, provide for the election, by the people of Virginia, qualified to vote under the provisions of said acts, of delegates to meet in convention to frame a Constitution, or form of government for Virginia, in conformity with said acts; and by the same acts did further provide for the submitting of such Constitution to the qualified voters for ratification or rejection :

We therefore, the delegates of the good people of Virginia, elected and in Convention assembled, in pursuance of said acts, invoking the favor and guidance of Almighty God, do propose to the people the following Constitution and form of government for this Commonwealth :

ARTICLE I.

BILL OF RIGHTS.

A DECLARATION OF RIGHTS, made by the Representatives of the good people of Virginia, assembled in full and free Convention, which rights do pertain to them and their posterity, as the basis and foundation of Government.

1. That all men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

2. That this State shall ever remain a member of the United States of America, and that the people thereof are part of the American nation, and that all attempts, from whatever source or upon whatever pretext, to dissolve said Union or to sever said nation, are unauthorized and ought to be resisted with the whole power of the State.

3. That the Constitution of the United States, and the laws of Congress passed in pursuance thereof, constitute the supreme law of the land, to which paramount allegiance and obedience are due from every citizen, anything in the Constitution, ordinances or laws of any State to the contrary notwithstanding.

4. That all power is vested in, and consequently derived from, the people; that magistrates are their trustees and servants, and at all times amenable to them.

5. That government is, or ought to be, instituted for the common benefit, protection and security of the people, nation or community; of all the various modes and forms of government, that is best which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of maladministration; and that when any government shall be found inadequate or contrary to the purposes, a majority of the community hath an indubitable, inalienable and indefeasible right to reform, alter or abolish it, in such manner as shall be judged most conducive to the public weal.

6. That no man, or set of men, are entitled to exclusive or separate emoluments or privileges from the community but in consideration of public services; which, not being descendible, neither ought the offices of magistrates, legislator or judge to be hereditary.

7. That the legislative, executive and judicial powers should be separate and distinct; and that the members thereof may be restrained from oppression, by feeling and participating the burthens of the people, they should, at fixed periods, be reduced to a private station, return into that body from which they were originally taken, and the vacancies be supplied by frequent, certain and regular elections, in which all or any part of the former members to be again eligible or ineligible, as the laws shall direct.

8. That all elections ought to be free, and that all men, having sufficient evidence of permanent common interest with, and attachment to, the community, have the right of suffrage, and cannot be taxed or deprived of their property for public uses, without their own consent, or that of their representatives so elected, nor bound by any law to which they have not in like manner assented, for the public good.

9. That all power of suspending laws, or the execution of laws by any authority, without consent of the representatives of the people, is injurious to their rights and ought not to be exercised.

10. That, in all capital or criminal prosecutions, a man hath a right to demand the cause and nature of his accusations to be confronted with the accusers and witnesses, to call for evidence in his favor, and to a speedy trial by an impartial jury of his vicinage, without whose unanimous consent he cannot be found guilty; nor can he be compelled to give evidence against himself; that no man be deprived of his liberty, except by the law of the land or the judgment of his peers.

11. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

12. That general warrants, whereby an officer or messenger may be commanded to search suspected places without evidence of a fact committed, or to seize any person or persons not named, or whose offence is not particularly described and supported by evidence, are grievous and oppressive, and ought not to be granted.

13. That in controversies respecting property, and in suits between man and man, the trial by jury is preferable to any other, and ought to be held sacred.

14. That the freedom of the press is one of the great bulwarks of liberty, and can never be restrained but by despotic governments, and any citizen may speak, write and publish his sentiments on all subjects, being responsible for the abuse of that liberty.

15. That a well-regulated militia, composed of the body of the people, trained to arms, is the proper, natural and safe defence of a free State; that standing armies, in time of peace, should be avoided as dangerous to liberty, and that in all cases the military should be under strict subordination to, and governed by, the civil power.

16. That the people have a right to uniform government; and, therefore, that no government separate from, or independent of, the Government of Virginia ought to be erected or established within the limits thereof.

17. That no free government, or the blessings of liberty, can be preserved to any people but by a firm adherence to justice; moderation, temperance and virtue, and by a frequent recurrence to fundamental principles.

18. That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and, therefore, all men are equally entitled to the free exercise of religion according to the dictates of conscience; and that it is the mutual duty of all to practice Christian forbearance, love and charity towards each other.

19. That neither slavery nor involuntary servitude, except as lawful imprisonment may constitute such, shall exist within this State.

20. "That all citizens of the State are hereby declared to possess equal civil and political rights and public privileges."

21. The rights enumerated in this Bill of Rights shall not be construed to limit other rights of the people not therein expressed.

The declaration of the political rights and privileges of the inhabitants of this State is hereby declared to be a part of the Constitution of this Commonwealth, and shall not be violated on any pretence whatever.

ARTICLE II.

DIVISION OF POWERS.

The Legislative, Executive and Judiciary Departments shall be separate and distinct, so that neither exercise the powers properly belonging to either of the others; nor shall any person exercise the power of more than one of them at the same time, except as hereinafter provided.

ARTICLE III.

ELECTIVE FRANCHISE AND QUALIFICATIONS FOR OFFICE.

SECTION 1. Every male citizen of the United States, twenty-one years old, who shall have been a resident of this State twelve months, and of the county, city or town in which he shall offer to vote three months next preceding any election, shall be entitled to vote upon all questions submitted to the people at such election: Provided, That no officer, soldier, seaman or marine of the United States army or navy shall be considered a resident of this State by reason of being stationed therein: And provided also, That the following persons shall be excluded from voting

1st. Idiots and lunatics.

2d. Persons convicted of bribery in any election, embezzlement of public funds, treason or felony.

3d. No person who, while a citizen of this State, has, since the adoption of this Constitution, fought a duel with a deadly weapon, sent or accepted a challenge to fight a duel with a deadly weapon, either within or beyond the boundaries of this State, or knowingly conveyed a challenge, or aided or assisted in any manner in fighting a duel, shall be allowed to vote or hold any office of honor, profit or trust, under this Constitution.

SEC. 2. All elections shall be by ballot, and all persons entitled to vote shall be eligible to any office within the gift of the people, except as restricted in this Constitution.

SEC. 3. All persons entitled to vote and hold office, and none others, shall be eligible to sit as jurors.

SEC. 4. The General Assembly shall, at its first session under this Constitution, enact a general registration law; and every person offering or applying to register shall take and subscribe, before the officer charged with making a registration of voters, the following oath:

"I, —— do solemnly swear (or affirm) that I am not disqualified from exercising the right of suffrage by the Constitution framed by the Convention which assembled in the city of Richmond on the third day

of December, 1867, and that I will support and defend the same to the best of my ability."

SEC. 5. No voter, during the time of holding any election at which he is entitled to vote, shall be compelled to perform military service, except in time of war or public danger, to work upon public roads, or to attend any court as suitor, juror or witness; and no voter shall be subject to arrest, under any civil process during his attendance at elections, or in going to or returning from them.

OATH OF OFFICE.

SEC. 6. All persons, before entering upon the discharge of any function as officers of this State, must take and subscribe the following oath or affirmation.

"I —— do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of the State of Virginia; that I recognize and accept the civil and political equality of all men before the law, and that I will faithfully perform the duty of —— to the best of my ability. So help me God."

ARTICLE IV.

EXECUTIVE DEPARTMENT.

GOVERNOR.

SECTION 1. The chief executive power of this Commonwealth shall be vested in a Governor. He shall hold office for a term of four years, to commence on the first day of January next succeeding his election, and be ineligible to the same office for the term next succeeding that for which he was elected, and to any other office during his term of service.

SEC. 2. The Governor shall be elected by the voters at the times and places of choosing members of the General Assembly. Returns of elections shall be transmitted, under seal, by the proper officers, to the Secretary of the Commonwealth, who shall deliver them to the Speaker of the House of Delegates, on the first day of the next session of the General Assembly. The Speaker of the House of Delegates shall, within one week thereafter, in presence of a majority of the Senate and House of Delegates, open the said returns, and the votes shall then be counted. The person having the highest number of votes shall be declared elected;

but if two or more shall have the highest and an equal number of votes, one of them shall be chosen Governor by the joint vote of the two Houses of the General Assembly. Contested elections for Governor shall be decided by a like vote, and the mode of proceeding in such cases shall be prescribed by law.

SEC. 3. No person, except a citizen of the United States, shall be eligible to the office of Governor; and if such person be of foreign birth, he must have been a citizen of the United States for ten years next preceding his election; nor shall any person be eligible to that office unless he shall have attained the age of thirty years, and have been a resident of this State for three years next preceding his election.

SEC. 4. The Governor shall reside at the seat of government; shall receive five thousand dollars for each year of his service, and, while in office shall receive no other emolument from this or any other government.

SEC. 5. He shall take care that the laws be faithfully executed; communicate to the General Assembly, at every session, the condition of the Commonwealth; recommend to their consideration such measures as he may deem expedient, and convene the General Assembly, on application of two-thirds of the members of both Houses thereof, or when, in his opinion, the interest of the Commonwealth may require it. He shall be Commander-in-Chief of the land and naval forces of the State; have power to embody the militia to repel invasion, suppress insurrection and enforce the execution of the laws; conduct, either in person or in such other manner as shall be prescribed by law, all intercourse with other and foreign States; and, during the recess of the General Assembly, to fill *pro tempore* all vacancies in those offices for which the Constitution and laws make no provision; but his appointments to such vacancies shall be by commissions to expire at the end of thirty days after the commencement of the next session of the General Assembly. He shall have power to remit fines and penalties in such cases and under such rules and regulations as may be prescribed by law, and, except when the prosecution has been carried on by the House of Delegates, to grant reprieves and pardons after conviction; to remove political disabilities consequent upon conviction for offences committed prior or subsequent to the adoption of this Constitution, and to commute capital punishment; but he shall communicate to the General Assembly, at each session, the particulars of every case of fine or penalty remitted, of reprieve or pardon granted, and of punishment commuted, with his reasons for remitting, granting or commuting the same.

SEC. 6. He may require information in writing from the officers in the Executive Department upon any subject relating to the duties of

their respective offices; and may also require the opinion, in writing, of the Attorney-General upon any question of law connected with his official duties.

SEC. 7. Commissions and grants shall run in the name of the Commonwealth of Virginia, and be attested by the Governor, with the seal of the Commonwealth annexed.

SEC. 8. Every bill which shall have passed the Senate and House of Delegates, and every resolution requiring the assent of both branches of the General Assembly, shall, before it becomes a law, be presented to the Governor; if he approve, he shall sign it; but if not, he shall return it with his objections, to the House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such consideration, two-thirds of the members present shall agree to pass the bill or joint resolution, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of all the members present it shall become a law, notwithstanding the objections of the Governor. But in all such cases the votes of both Houses shall be determined by ayes and noes, and the names of the members voting for and against the bill or joint resolution, shall be entered on the Journal of each House respectively. If any bill or resolution shall not be returned by the Governor within five days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Legislature shall, by their adjournment, prevent its return, in which case it shall not be a law.

LIEUTENANT-GOVERNOR.

SEC. 9. A Lieutenant-Governor shall be elected at the same time and for the same term as the Governor, and his qualification and the manner of his election, in all respects, shall be the same.

SEC. 10. In case of the removal of the Governor from office, or of his death, failure to qualify, resignation, removal from the State, or inability to discharge the powers and duties of the office, the said office, with its compensation, shall devolve upon the Lieutenant-Governor; and the General Assembly shall provide by law for the discharge of the Executive functions in other necessary cases.

SEC. 11. The Lieutenant-Governor shall be President of the Senate, but shall have no vote except in case of an equal division; and while acting as such, shall receive a compensation equal to that allowed to the Speaker of the House of Delegates.

SECRETARY OF THE COMMONWEALTH, TREASURER AND AUDITOR.

SEC. 12. A Secretary of the Commonwealth, Treasurer and Auditor of Public Accounts, shall be elected by the joint vote of the two Houses of the General Assembly, and continue in office for the term of two years, unless sooner relieved. The salary of each shall be determined by law.

SEC. 13. The Secretary shall keep a record of the official acts of the Governor, which shall be signed by the Governor and attested by the Secretary; and when required, he shall lay the same, and any papers, minutes and vouchers pertaining to his office, before either House of the General Assembly; and shall perform such other duties as may be prescribed by law. All fees received by the Secretary shall be paid into the treasury.

SEC. 14. The powers and duties of the Treasurer and Auditor shall be such as now are or may be hereafter prescribed by law.

SEC. 15. There may be established in the office of the Secretary of State, a Bureau of Statistics and a Bureau of Agricultural Chemistry and Geology under such regulations as may be prescribed by law.

SEC. 16. The General Assembly shall have power to establish a Bureau of Agriculture and Immigration under such regulations as may be prescribed.

BOARD OF PUBLIC WORKS.

SEC. 17. There shall be a Board of Public Works, to consist of the Governor, Auditor and Treasurer of the Commonwealth under such regulations as may be prescribed by law.

ARTICLE V.

LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative power of this Commonwealth shall be vested in a General Assembly, which shall consist of a Senate and House of Delegates.

SEC. 2. The House of Delegates shall be elected biennially by the voters of the several cities and counties on the Tuesday succeeding the first Monday in November, and shall be distributed and apportioned as follows

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| District No. | 1. | Accomac shall have two delegates. |
| " | " | 2. Albemarle shall have three delegates. |
| " | " | 3. Amelia shall have one delegate. |
| " | " | 4. Alexandria shall have two delegates. |

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| District No. | 5. | Amherst shall have two delegates. |
| " | " | 6. Appomattox shall have one delegate. |
| " | " | 7. Alleghany and Craig shall have one delegate. |
| " | " | 8. Augusta shall have three delegates. |
| " | " | 9. Bath and Highland shall have one delegate. |
| " | " | 10. Bedford shall have three delegates. |
| " | " | 11. Bland shall have one delegate. |
| " | " | 12. Botetourt shall have one delegate. |
| " | " | 13. Brunswick shall have one delegate. |
| " | " | 14. Buckingham shall have two delegates. |
| " | " | 15. Buchanan and Wise shall have one delegate. |
| " | " | 16. Campbell shall have three delegates. |
| " | " | 17. Caroline shall have two delegates. |
| " | " | 18. Carroll shall have one delegate. |
| " | " | 19. Charles City shall have one delegate. |
| " | " | 20. Charlotte shall have two delegates. |
| " | " | 21. Chesterfield and Powhatan shall have three delegates. |
| " | " | 22. Cumberland shall have one delegate. |
| " | " | 23. Culpeper shall have one delegate. |
| " | " | 24. Clarke shall have one delegate. |
| " | " | 25. Dinwiddie shall have one delegate. |
| " | " | 26. Elizabeth City and Warwick shall have two delegates. |
| " | " | 27. Essex shall have one delegate. |
| " | " | 28. Fauquier shall have two delegates. |
| " | " | 29. Fairfax shall have one delegate. |
| " | " | 30. Floyd shall have one delegate. |
| " | " | 31. Franklin shall have two delegates. |
| " | " | 32. Fluvanna shall have one delegate. |
| " | " | 33. Frederick shall have one delegate. |
| " | " | 34. Giles shall have one delegate. |
| " | " | 35. Goochland shall have one delegate. |
| " | " | 36. Greenville shall have one delegate. |
| " | " | 37. Greene shall have one delegate. |
| " | " | 38. Gloucester shall have one delegate. |
| " | " | 39. Grayson shall have one delegate. |
| " | " | 40. Halifax shall have three delegates. |
| " | " | 41. Hanover shall have two delegates. |
| " | " | 42. Henrico and Richmond city shall have eight delegates. |
| " | " | 43. Henry shall have one delegate. |

- District No. 44. Isle of Wight shall have one delegate.
- “ “ 45. James City and city of Williamsburg shall have one delegate.
- “ “ 46. King & Queen shall have one delegate.
- “ “ 47. King William shall have one delegate.
- “ “ 48. King George shall have one delegate.
- “ “ 49. Lancaster shall have one delegate.
- “ “ 50. Lee shall have one delegate.
- “ “ 51. Louisa shall have two delegates.
- “ “ 52. Lunenburg shall have one delegate.
- “ “ 53. Loudoun shall have two delegates.
- “ “ 54. Mathews shall have one delegate.
- “ “ 55. Madison shall have one delegate.
- “ “ 56. Mecklenburg shall have two delegates.
- “ “ 57. Middlesex shall have one delegate.
- “ “ 58. Montgomery shall have one delegate.
- “ “ 59. Nansemond shall have one delegate.
- “ “ 60. New Kent shall have one delegate.
- “ “ 61. Norfolk county and the city of Portsmouth shall have three delegates.
- “ “ 62. Norfolk city shall have two delegates.
- “ “ 63. Nelson shall have one delegate.
- “ “ 64. Nottoway shall have one delegate.
- “ “ 65. Northampton shall have one delegate.
- “ “ 66. Northumberland shall have one delegate.
- “ “ 67. Orange shall have one delegate.
- “ “ 68. Patrick shall have one delegate.
- “ “ 69. Page shall have one delegate.
- “ “ 70. Pittsylvania shall have four delegates.
- “ “ 71. Petersburg city shall have two delegates.
- “ “ 72. Prince Edward shall have one delegate.
- “ “ 73. Prince George shall have one delegate.
- “ “ 74. Prince William shall have one delegate.
- “ “ 75. Pulaski shall have one delegate.
- “ “ 76. Princess Anne shall have one delegate.
- “ “ 77. Rappahannock shall have one delegate.
- “ “ 78. Richmond county shall have one delegate.
- “ “ 79. Rockingham shall have two delegates.
- “ “ 80. Rockbridge shall have two delegates.
- “ “ 81. Roanoke shall have one delegate.
- “ “ 82. Russell shall have one delegate.
- “ “ 83. Shenandoah shall have one delegate.

- District No. 84.** Smyth shall have one delegate.
 “ “ 85. Southampton shall have one delegate.
 “ “ 86. Scott shall have one delegate.
 “ “ 87. Surry shall have one delegate.
 “ “ 88. Stafford shall have one delegate.
 “ “ 89. Sussex shall have one delegate.
 “ “ 90. Spotsylvania shall have one delegate.
 “ “ 91. Tazewell shall have one delegate.
 “ “ 92. Washington shall have two delegates.
 “ “ 93. Warren shall have one delegate.
 “ “ 94. Westmoreland shall have one delegate.
 “ “ 95. Wythe shall have one delegate.
 “ “ 96. York shall have one delegate.

SEC. 3. The senators shall be elected for the term of four years, for the election of whom the counties, cities, and towns shall be divided into not more than (40) forty districts. Each county, city and town of the respective districts, at the time of the first election of its delegate or delegates under this Constitution, shall vote for one or more senators. The senators first elected under this Constitution in districts bearing odd numbers shall vacate their offices at the end of two years, and those elected in districts bearing even numbers at the end of four years; and vacancies occurring by expiration of term shall be filled by the election of senators for the full term

The following shall constitute the senatorial districts:

Alexandria, Fairfax, Loudoun shall form the first district, and be entitled to two senators.

Fauquier, Rappahannock, and Prince William shall form the second district and be entitled to one senator.

Orange, Culpeper and Madison shall form the third district and be entitled to one senator.

Stafford, Spotsylvania and Louisa shall form the fourth district and be entitled to one senator.

Fluvanna, Goochland and Powhatan shall form the fifth district and be entitled to one senator.

Albemarle and Greene shall form the sixth district and be entitled to one senator.

Buckingham and Appomattox shall form the seventh district and be entitled to one senator.

Nelson and Amherst shall form the eighth district, and be entitled to one senator.

Franklin and Henry shall form the ninth district, and be entitled to one senator.

Pittsylvania shall form the tenth district, and be entitled to one senator.

Campbell shall form the eleventh district, and be entitled to one senator.

Bedford shall form the twelfth district, and be entitled to one senator.

Halifax shall form the thirteenth district, and be entitled to one senator.

Charlotte and Prince Edward shall form the fourteenth district, and be entitled to one senator.

Mecklenburg shall form the fifteenth district and be entitled to one senator.

King George, Westmoreland, Richmond, Northumberland and Lancaster shall form the sixteenth district, and be entitled to one senator.

Caroline, Essex and King William shall form the seventeenth district, and be entitled to one senator.

Gloucester, Middlesex, Mathews and King & Queen shall form the eighteenth district, and be entitled to one senator.

Richmond city and Henrico shall form the nineteenth district, and be entitled to three senators.

Norfolk city and Princess Anne county shall form the twentieth district, and be entitled to one senator.

Norfolk county and the city of Portsmouth shall form the twenty-first district, and be entitled to one senator.

Nansemond, Southampton and Isle of Wight shall form the twenty-second district, and be entitled to one senator.

Greensville, Dinwiddie and Sussex shall form the twenty-third district and be entitled to one senator.

Surry, York, Warwick and Elizabeth City shall form the twenty-fourth district and be entitled to one senator.

Brunswick and Lunenburg shall form the twenty-fifth district, and be entitled to one senator.

Chesterfield and Prince George shall form the twenty-sixth district, and be entitled to one senator.

The city of Petersburg shall form the twenty-seventh district, and be entitled to one senator.

Accomac and Northampton shall form the twenty-eighth district, and be entitled to one senator.

Hanover, New Kent, Charles City and James City shall form the twenty-ninth district and be entitled to one senator.

Cumberland, Amelia and Nottaway shall form the thirtieth district, and be entitled to one senator.

Frederick, Clarke and Shenandoah shall form the thirty-first district, and be entitled to one senator.

Page, Warren and Rockingham shall form the thirty-second district, and be entitled to one senator.

Highland and Augusta shall form the thirty-third district, and be entitled to one senator.

Rockbridge, Bath and Alleghany shall form the thirty-fourth district, and be entitled to one senator.

Botetourt, Roanoke, Craig and Giles shall form the thirty-fifth district, and be entitled to one senator.

Montgomery, Floyd and Patrick shall form the thirty-sixth district, and be entitled to one senator.

Grayson, Carroll and Wythe shall form the thirty-seventh district, and be entitled to one senator.

Pulaski, Bland, Tazewell and Russell shall form the thirty-eighth district, and be entitled to one senator.

Lee, Scott, Wise and Buchanan shall form the the thirty-ninth district, and be entitled to one senator.

Washington and Smyth shall form the fortieth district, and be entitled to one senator.

SEC. 4. At the first session of the General Assembly after the enumeration of the inhabitants of the State by the United States, a re-portionment of Senators and members of the House of Delegates, and every tenth year thereafter shall be made.

QUALIFICATIONS OF SENATORS AND DELEGATES.

SEC. 5. Any person may be elected Senator who, at the time of election is actually a resident within the district, and qualified to vote for members of the General Assembly according to this Constitution; and any person may be elected a member of the House of Delegates who, at the time of election, is actually a resident within the county, city, town or election district, qualified to vote for members of the General Assembly according to this Constitution. The removal of any person elected to either branch of the General Assembly from the city, county, town or district for which he was elected, shall vacate his office.

POWERS AND DUTIES OF THE GENERAL ASSEMBLY.

SEC. 6. The General Assembly shall meet annually, and not oftener, unless convened by the Governor in the manner prescribed in this Constitution. No session of the General Assembly, after the first under this Constitution, shall continue longer than ninety days, without the concurrence of three-fifths of the members elected to each House; in which case the session may be extended for a further period, not exceeding thirty days. Neither House during the session of the General Assembly, shall, without the consent of the other, adjourn for more than three days,

nor to any other place than that in which the two Houses shall be sitting. A majority of the members elected to each House shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and shall have power to compel the attendance of absent members, in such manner, and under such penalty, as each House may prescribe.

SEC. 7. The House of Delegates shall choose its own Speaker, and in the absence of the Lieutenant-Governor, or when he shall exercise the office of Governor, the Senate shall choose, from their own body, a President *pro tempore*; and each House shall appoint its own officers, settle its own rules of proceeding, and direct writs of election for supplying intermediate vacancies; but if vacancies shall occur during the recess of the General Assembly, such writs may be issued by the Governor, under such regulations as may be prescribed by law. Each House shall judge of the election, qualification and returns of its members, may punish them for disorderly behavior, and, with the concurrence of two-thirds expel a member.

SEC. 8. The members of the General Assembly shall receive for their services a compensation, to be ascertained by law, and paid out of the public treasury, but no act increasing such compensation shall take effect until after the end of the term for which the members of the House of Delegates voting thereon were elected; and no Senator or Delegate during the term for which he shall have been elected, shall be appointed to any civil office of profit under the Commonwealth, which has been created, or the emoluments of which have been increased during such term, except offices filled by election by the people.

SEC. 9. Bills and resolutions may originate in either of the two House of the General Assembly, to be approved or rejected by either, and may be amended by either House, with the consent of the other.

SEC. 10. Each House of the General Assembly shall keep a journal of its proceedings, which shall be published from time to time, and the yeas and nays of the members of either House, on any question, shall, at the desire of one-fifth of those present, be entered on the journal. No bill shall become a law until it has been read on three different days of the session in the house in which it originated, unless two-thirds of the members in that House shall otherwise determine.

SEC. 11. The members of the General Assembly shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during the sessions of their respective Houses; and for any speech or debate in either House, they shall not be questioned in any other place. They shall not be subject to arrest, under any civil process, during the session of the General Assembly, nor for fifteen days next before the convening, and after the termination of each session.

SEC. 12. The whole number of members to which the State may at any time be entitled in the House of Representatives of the United States, shall be apportioned, as nearly as may be, amongst the several counties, cities and towns of the State, according to their population.

SEC. 13. In the apportionment the State shall be divided into districts, corresponding in number with the representatives to which it may be entitled in the House of Representatives of the Congress of the United States, which shall be formed, respectively, of contiguous counties, cities and towns, be compact, and include, as nearly as may be, an equal number of population.

SEC. 14. The privilege of the writ of *habeas corpus* shall not be suspended, unless when, in cases of invasion or rebellion, the public safety may require it. The General Assembly shall not pass any bill of attainder, or any *ex post facto* law, or any law impairing the obligation of contracts, or any law, whereby private property shall be taken for public uses without just compensation, or any law abridging the freedom of speech or of the press. No man shall be compelled to frequent or support any religious worship, place or ministry whatsoever, nor shall any man be enforced, restrained, molested or burthened in his body or goods, or otherwise suffer, on account of his religious opinions or belief, but all men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and the same shall in nowise affect, diminish or enlarge their civil capacities. And the General Assembly shall not prescribe any religious test whatever, or confer any peculiar privileges or advantages on any sect or denomination, or pass any law requiring or authorizing any religious society, or the people of any district within this Commonwealth, to levy on themselves or others any tax for the erection or repair of any house of public worship, or for the support of any church or ministry, but it shall be left free to every person to select his religious instructor, and to make for his support such private contract as he shall please.

SEC. 15. No law shall embrace more than one object, which shall be expressed in its title; nor shall any law be revived or amended by reference to its title, but the act revived or the section amended shall be re-enacted and published at length.

SEC. 16. The Governor, Lieutenant-Governor, judges and all others offending against the State, by maladministration, corruption, neglect of duty, or other high crime or misdemeanor, shall be impeachable by the House of Delegates, and be prosecuted before the Senate, which shall have the sole power to try impeachment. When sitting for that purpose, they shall be on oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the members present. Judg-

ment, in case of impeachment, shall not extend further than to removal from office, and disqualification to hold or enjoy any office of honor, trust or profit under the Commonwealth; but the party convicted shall, nevertheless, be subject to indictment, trial, judgment and punishment according to law. The Senate may sit during the recess of the General Assembly for the trial of impeachment.

SEC. 17. The General Assembly shall not grant a charter of incorporation to any church or religious denomination, but may secure the title to church property to an extent to be limited by law.

SEC. 18. No lottery shall hereafter be authorized by law; and the buying selling or transferring of tickets or chances in any lottery shall be prohibited.

SEC. 19. No new county shall be formed with an area of less than six hundred square miles; nor shall the county or counties from which it is formed be reduced below that area; nor shall any county having a population less than ten thousand, be deprived of more than one-fifth of such population; nor shall a county, having a larger population, be reduced below eight thousand. But any county, the length of which is three times its mean breadth, or which exceeds fifty miles in length, may be divided at the discretion of the General Assembly. In all general elections the voters in any county, not entitled to separate representation, shall vote in the same election district.

SEC. 20. The General Assembly shall confer on the courts the power to grant divorces, change the names of persons, and direct the sale of estates belonging to infants and other persons under legal disabilities, but shall not by special legislation, grant relief in such cases, or in any other case of which the courts or other tribunals may have jurisdiction.

SEC. 21. The General Assembly shall provide for the annual registration of births, marriages and deaths

SEC. 22. The manner of conducting and making returns of elections, of determining contested elections, and of filling vacancies in office, in cases not specially provided for by this Constitution, shall be prescribed by law; and the General Assembly may declare the cases in which any office shall be deemed vacant, where no provision is made for that purpose in this Constitution.

ARTICLE VI.

JUDICIARY DEPARTMENT.

SECTION 1. There shall be a Supreme Court of Appeals, Circuit Courts, and County Courts. The jurisdiction of these tribunals, and the judges thereof, except so far as the same is conferred by this Constitution, shall be regulated by law.

COURT OF APPEALS.

SEC. 2. The Supreme Court of Appeals shall consist of five judges, any three of whom may hold a court. It shall have appellate jurisdiction only, except in cases of *habeas corpus*, *mandamus* and prohibition. It shall not have jurisdiction in civil cases where the matter in controversy, exclusive of costs, is less in value or amount than five hundred dollars, except in controversies concerning the title or boundaries of land, the probate of a will, the appointment or qualification of a personal representative guardian, committee or curator; or concerning a mill, roadway, ferry or landing; or the right of a corporation or of a county to levy tolls or taxes, and except in cases of *habeas corpus*, *mandamus* and prohibition, or the constitutionality of a law: Provided That the assent of a majority of the judges elected to the court shall be required, in order to declare any law null and void by reason of its repugnance to the Federal Constitution, or to the Constitution of this State.

SEC. 3. Special Courts of Appeals, to consist of not less than three, nor more than five judges, may be formed of the judges of the Supreme Court of Appeals and of the Circuit Courts, or any of them, to try any cases on the docket of said court, in respect to which a majority of the judges thereof may be so situated as to make it improper for them to sit on the hearing of the same; and also to try any cases on the said docket which cannot be otherwise disposed of with convenient dispatch.

SEC. 4. When a judgment or decree is reversed or affirmed by the Supreme Court of Appeals, the reasons therefor shall be stated in writing and preserved with the records of the case.

SEC. 5. The judges shall be chosen by the joint vote of the two Houses of the General Assembly, and shall hold their office for a term of twelve years; they shall, when chosen, have held a judicial station in the United States, or shall have practiced law in this or some other State for five years.

SEC. 6. The officers of the Supreme Court of Appeals shall be appointed by the said court, or by the judges thereof in vacation. Their duties, compensation and tenure of office shall be prescribed by law.

SEC. 7. The Supreme Court of Appeals shall hold its sessions at two or more places in the State, to be fixed by law.

SEC. 8. At every election of a Governor an Attorney-General shall be elected by the qualified voters of this Commonwealth. He shall be commissioned by the Governor, perform such duties and receive such com-

pensation as may be prescribed by law, and shall be removable in the manner prescribed for the removal of judges.

CIRCUIT COURTS.

SEC. 9. The State shall be divided into sixteen judicial circuits, as follows :

1. The counties of Norfolk, Princess Anne, Nansemond, Isle of Wight, Southampton, Surry and the city of Norfolk shall constitute the first circuit.

2. The counties of Sussex, Greenesville, Brunswick, Prince George, Dinwiddie, Nottoway, Chesterfield and the city of Petersburg shall constitute the second circuit.

3. The counties of Mecklenburg, Lunenburg, Charlotte, Amelia, Powhatan, Prince Edward, Buckingham and Cumberland shall constitute the third circuit.

4. The counties of Halifax, Pittsylvania, Henry, Patrick, Franklin and the town of Danville shall constitute the fourth circuit.

5. The counties of Bedford, Campbell, Appomattox, Amherst, Nelson and the city of Lynchburg shall constitute the fifth circuit.

6. The counties of Albemarle, Fluvanna, Culpeper, Goochland, Madison, Greene and Orange shall constitute the sixth circuit.

7. The county of Henrico and the city of Richmond shall constitute the seventh circuit.

8. The counties of Accomac, Northampton, York, Elizabeth City, Warwick, James City New Kent, Charles City and the city of Williamsburg shall constitute the eighth circuit.

9. The counties of Lancaster, Northumberland, Mathews, Middlesex, Gloucester, King William, Essex, and King & Queen shall constitute the ninth circuit.

10. The counties of Westmoreland, Spotsylvania, Caroline, Hanover, Stafford, King George, Richmond and Louisa shall constitute the tenth circuit.

11. The counties of Loudoun, Fauquier, Fairfax, Prince William, Rapahannock and Alexandria shall constitute the eleventh circuit.

12. The counties of Frederick, Clarke, Warren, Page, Shenandoah and Rockingham shall constitute the twelfth circuit.

13. The counties of Augusta, Rockbridge, Bath, Highland and Alleghany shall constitute the thirteenth circuit.

14. The counties of Botetourt, Roanoke, Montgomery, Floyd, Giles and Craig shall constitute the fourteenth circuit.

15. The counties of Carroll, Grayson, Wythe, Pulaski, Bland and Tazewell shall constitute the fifteenth circuit.

16. The counties of Smyth, Washington, Lee, Scott, Wise, Russell and Buchanan shall constitute the sixteenth circuit.

SEC. 10. The General Assembly may re-arrange said circuits, or any of them, and increase or diminish the number thereof, when the public interests shall require it.

SEC. 11. For each circuit a Judge shall be chosen by the joint vote of the two Houses of the General Assembly, who shall hold his office for a term of eight years, unless sooner removed in the manner prescribed by this Constitution. He shall when chosen, possess the same qualifications of Judges of the supreme court of appeals; and during his continuance in office shall reside in the circuit of which he is Judge.

SEC. 12. A circuit court shall be held, at least twice a year by the Judges of each circuit, in every county and corporation thereof wherein a circuit court now is or may hereafter be established. But the Judges may be required or authorized to hold the courts of their respective circuits alternately, and the Judge of one circuit to hold court in any other circuit.

COUNTY COURTS.

SEC. 13. In each county of this Commonwealth there shall be a court called the county court, which shall be held monthly by a Judge learned in the law of the State, and to be known as the county court Judge: Provided, that counties containing less than eight thousand inhabitants shall be attached to adjoining counties for the formation of districts for county Judges. County court Judges shall be chosen in the same manner as Judges of the circuit courts. They shall hold their office for a term of six years, except the first term under this Constitution, which shall be three years, and during their continuance in office, they shall reside in their respective counties or districts. The jurisdiction of said courts shall be the same as that of the existing county courts, except so far as it is modified by this Constitution or may be changed by law.

GOVERNMENT OF CITIES AND TOWNS.

Sec. 14. For each city or town in the State, containing a population of five thousand, shall be elected, on the joint vote of the two Houses of the General Assembly, one City Judge, who shall hold a corporation or hustings court of said city or town, as often, and as many days in each month, as may be prescribed by law, with similar jurisdiction which may be given by law, to the circuit courts of this State, and who shall hold his office for a term of six (6) years: Provided, That in cities or towns containing thirty thousand (30,000) inhabitants, there may be elected an ad-

ditional Judge to hold courts of probate and record, separate and apart from the corporation or hustings courts, and perform such other duties as shall be prescribed by law.

SEC. 15. Also the following enumerated officers, who shall be elected by the qualified voters of the said cities or towns: One Clerk of the corporation or hustings court, who shall also be the Clerk of the circuit court, except in cities or towns containing a population of thirty thousand (30,000) or more; in which city or town there may be a separate Clerk for the circuit court who shall hold his office for a term of six years.

SEC. 16. One Commonwealth's Attorney, who shall be the Commonwealth's Attorney for the circuit court, and shall hold his office for a term of two years.

SEC. 17. One City Sergeant, who shall hold his office for a term of two years.

SEC. 18. One City or Town Treasurer, whose duties shall be similar to those of County Treasurer, and shall hold his office for a term of three years.

SEC. 19. One Commissioner of the Revenue.

SEC. 20. There shall be chosen by the electors of every city a Mayor, who shall be the chief executive officer thereof, and who shall see that the duties of the various city officers are faithfully performed. He shall have power to investigate their acts, have access to all books and documents in their offices, and may examine them and their subordinates on oath. The evidence given by persons so examined shall not be used against them in any criminal proceedings. He shall also have power to suspend or remove such officers, whether they be elected or appointed, for misconduct in office or neglect of duty, to be specified in the order of suspension or removal; but no such removal shall be made without reasonable notice to the officer complained of, and an opportunity afforded him to be heard in his defence. All city, town and village officers, whose election or appointment is not provided for by this Constitution, shall be elected by the electors of such cities, towns and villages, or of some division thereof, or appointed by such authorities thereof as the General Assembly shall designate. All other officers whose election or appointment is not provided for by this Constitution, and all officers whose offices may be hereafter created by law, shall be elected by the people, or appointed, as the General Assembly may direct. Members of Common Councils shall hold no other office in cities, and no city officer shall hold a seat in the General Assembly. The General Assembly, at its first session after the adoption of this Constitution, shall pass such laws as may be necessary to give effect to the provisions of this article. General laws shall be passed for the organization and

government of cities, and no special act shall be passed, except in cases where, in the judgment of the General Assembly, the object of such act cannot be attained by general laws. Nothing in this article shall affect the power of the General Assembly over quarantine, or in regard to the port of Norfolk, or the interest of the State in the lands under water and within the jurisdiction or boundaries of any city, or to regulate the wharves, piers or slips in any city. All laws or city ordinances in conflict with the provisions of the preceding sections shall be void from and after the adoption of this Constitution.

SEC. 21. All regular elections for city or town officers, under this article shall be held on the fourth (4th) Thursday in May, and the officers elect shall enter upon their duties on the first day of July succeeding.

GENERAL PROVISIONS.

SEC. 22. All the Judges shall be commissioned by the Governor, and shall receive such salaries and allowances as may be determined by law, the amount of which shall not be diminished during their term of office. Their terms of office shall commence on the first day of January, next following their appointment; and they shall discharge the duties of their respective offices from their first appointment and qualification under this Constitution until their terms begin.

SEC. 23. Judges may be removed from office by a concurrent vote of both Houses of the General Assembly, but a majority of all the members elected to each House must concur in such vote, and the cause of removal shall be entered on the Journal of each House. The Judge against whom the General Assembly may be about to proceed, shall have notice thereof, accompanied by a copy of the causes alleged for his removal, at least twenty days before the day on which either House of the General Assembly shall act thereon.

SEC. 24. Judges of the supreme court of appeals and Judges of the circuit courts shall not hold any other office or public trust during their continuance in office.

SEC. 25. Judges, and all other officers elected or appointed, shall continue to discharge the duties of their offices after their terms of service have expired until their successors have qualified.

SEC. 26. Writs shall run "in the name of the Commonwealth of Virginia," and be attested by the Clerks of the several courts. Indictments shall conclude "against the peace and dignity of the Commonwealth."

ART. VII.

COUNTY ORGANIZATIONS.

SEC. 1. There shall be elected by the qualified voters of the county, one Sheriff; one Attorney for the Commonwealth, who shall also be the

Commonwealth's Attorney for the circuit court; one County Clerk, who shall also be the Clerk of the circuit court, except that in counties containing fifteen thousand inhabitants there may be a separate Clerk for the circuit court; one County Treasurer; and one Superintendent of the Poor. And there shall be appointed in the manner provided for in Article VIII one Superintendent of Schools: Provided, That counties containing less than eight thousand inhabitants may be attached to adjoining counties for the formation of districts for Superintendents of Schools: Provided also, That in counties containing thirty thousand inhabitants there may be appointed an additional Superintendent of Schools therein. All regular elections for county officers shall be held on the first Tuesday after the first Monday in November, and all officers elected or appointed under this provision shall enter upon the duties of their offices on the first day of January next succeeding their election, and shall hold their respective offices for the term of three years, except that the county and circuit court clerks shall hold their offices for four years.

TOWNSHIPS.

SEC. 2. Each county of the State shall be divided into so many compactly located townships as may be deemed necessary, not less than three: Provided, That after three have been formed no additional township shall be made containing less than thirty square miles. Each township shall be known as the township of ———, in the county of ———, and may sue and be sued by such title. In each township there shall be elected annually; one Supervisor, one Township Clerk; one Assessor; one Collector; one Commissioner of Roads; one Overseer of the Poor; one Justice of the Peace, who shall hold his office three years; one Constable, who shall hold his office three years; Provided, That at the first election held under this provision there shall be three Justices of the Peace and three Constables elected, whose terms shall be one, two and three years, respectively. All regular elections for township officers shall take place on the fourth Thursday in May, and all officers so elected shall enter upon the duties of their respective offices on the first day of July next succeeding their election. The Supervisors of each township shall constitute the Board of Supervisors for that county, and shall assemble at the courthouse thereof on the first Monday in December, in each year, and proceed to audit the accounts of said county, examine the books of the Assessors, regulate and equalize the valuation of property, fix the county levies for the ensuing year, apportion the same among the various townships, and perform such other duties as shall be prescribed by law

SCHOOL DISTRICTS.

SEC. 3. Each township shall be divided into so many compactly located school districts as may be deemed necessary: Provided, That no school district shall be formed containing less than one hundred inhabitants. In each school district there shall be elected or appointed annually one School Trustee, who shall hold his office three years: Provided, That at the first election held under this provision there shall be three Trustees elected, whose terms shall be one, two and three years respectively.

ROAD DISTRICTS.

SEC. 4. Each township shall be divided into one more road districts. In each road district there shall be elected annually one Overseer of Roads, under whose direction the roads shall be kept in repair, at the public expense, in a mode prescribed by law.

SEC. 5. The General Assembly at its first session after the adoption of this Constitution, shall pass such laws as may be necessary to give effect to the provisions of this article. But nothing in this article shall be construed as prohibiting the General Assembly from providing, by law, for any additional officers in any city or county.

SEC. 6. Sheriffs shall hold no other office. They may be required, by law, to renew their security, and in default of so doing their offices shall be declared vacant. Counties shall never be made responsible for the acts of the sheriffs.

ARTICLE VIII.

EDUCATION.

SECTION 1. The General Assembly shall elect, in joint ballot, within thirty days after its organization under this Constitution, and every fourth year thereafter, a Superintendent of Public Instruction. He shall have the general supervision of the public free school interests of the State, and shall report to the General Assembly for its consideration, within thirty days after his election, a plan for a uniform system of public free schools.

SEC. 2. There shall be a board of education, composed of the Governor, Superintendent of Public Instruction and Attorney-General, which shall appoint and have power to remove, for cause and upon notice to the incumbents, subject to confirmation by the Senate, all county superintendents of public free schools. This board shall have, regulated by law the management and investment of all school funds,

and such supervision of schools of higher grades, as the law shall provide.

SEC. 3. The General Assembly shall provide by law at its first session under this Constitution, a uniform system of public free schools, and for its gradual, equal and full introduction into all the counties of the State, by the year 1876, or as much earlier as practicable.

SEC. 4. The General Assembly shall have power, after a full introduction of the public free school system, to make such laws as shall not permit parents and guardians to allow their children to grow up in ignorance and vagrancy.

SEC. 5. The General Assembly shall establish as soon as practicable, normal schools, and may establish agricultural schools and such grades of schools as shall be for the public good.

SEC. 6. The Board of Education shall provide for uniformity of textbooks, and the furnishing of school-houses with such apparatus and library as may be necessary, under such regulations as may be provided by law.

SEC. 7. General Assembly shall set apart, as a permanent and perpetual literary fund, the present literary funds of the State, the proceeds of all public lands donated by Congress for public school purposes, of all escheated property, of all waste and unappropriated lands, of all property accruing to the State by forfeiture, and all fines collected for offences committed against the State, and such other sums as the General Assembly may appropriate.

SEC. 8. The General Assembly shall apply the annual interest on the literary fund, the capitation tax provided for by this Constitution for public free school purposes and an annual tax upon the property of the State of not less than one mill nor more than five mills on the dollar, for the equal benefit of all the people of the State, the number of children between the ages of five and twenty-one years, in each public free school district, being the basis of such division. Provision shall be made to supply children attending the public free schools with necessary textbooks, in cases where the parent or guardian is unable, by reason of poverty, to furnish them. Each county and public free school district may raise additional sums by a tax on property for the support of public free schools. All unexpended sums of any one year in any public free school district shall go into the general school fund for re-division the next year: Provided, That any tax authorized by this section to be raised by counties or school districts shall not exceed five mills on a dollar in any one year, and shall not be subject to re-division, as hereinbefore provided in this section.

SEC. 9. The General Assembly shall have power to foster all higher grades of schools under its supervision, and to provide for such purpose a permanent educational fund.

SEC. 10. All grants and donations received by the General Assembly for educational purposes shall be applied according to the terms prescribed by the donors.

SEC. 11. Each city and county shall be held accountable for the destruction of school property that may take place within its limits by incendiaries or open violence.

SEC. 12. The General Assembly shall fix the salaries and prescribe the duties of all school officers, and shall make all needful laws and regulations to carry into effect the public free school system provided for by this article.

ARTICLE IX.

MILITIA.

SEC. 1. The militia of this State shall consist of all able-bodied male persons between the ages of eighteen and forty-five years, except such persons as hereafter may be exempted by the laws of the United States or of this State; but those who belong to religious societies whose tenets forbid them to carry arms shall not be compelled to do so, but shall pay an equivalent for personal service; and the militia shall be organized, armed and equipped, and trained as the General Assembly may provide by law.

SEC. 2. The Legislature shall provide by law for the encouragement of volunteer corps of the several arms of the service, which shall be classed as the active militia; and all other militia shall be classified as the reserve militia, and shall not be required to muster in time of peace.

ARTICLE X.

TAXATION AND FINANCE.

SEC. 1. Taxation, except as hereinafter provided, whether imposed by the State, county or corporate bodies, shall be equal and uniform, and all property, both real and personal, shall be taxed in proportion to its value, to be ascertained as prescribed by law. No one species of property, from which a tax may be collected, shall be taxed higher than any other species of property of equal value.

Sec. 2. No tax shall be imposed on any of the citizens of this State for the privilege of taking or catching oysters from their natural beds

with tongs, in the waters thereof; but the amount of sales of oysters so taken by any citizen, in any one year may be taxed at a rate not exceeding the rate of taxation imposed upon any other species of property.

SEC. 3. The Legislature may exempt all property used exclusively for State, county, municipal, benevolent, charitable, educational and religious purposes.

SEC. 4. The General Assembly may levy a tax on incomes in excess of six hundred (600) dollars per annum, and upon the following licenses, viz: the sale of ardent spirits, theatrical and circus companies, menageries, jugglers, itinerant peddlers, and all other shows and exhibitions for which an entrance fee is required, commission merchants, persons selling by sample, brokers, and pawn-brokers, and all other business which cannot be reached by the *ad valorem* system. The capital invested in all business operations shall be assessed and taxed as other property. Assessments upon all stock shall be according to the market value thereof.

SEC. 5. The General Assembly may levy a tax, not exceeding one dollar per annum, on every male citizen who has attained the age of twenty-one years, which shall be applied exclusively in aid of public free schools; and counties and corporations shall have power to impose a capitation tax not exceeding fifty (50) cents per annum, for all purposes.

SEC. 6. The General Assembly shall provide for a re-assessment of the real estate of this State in the year 1869, or as soon thereafter as practicable, and every fifth year thereafter: Provided, in making such assessment, no land shall be assessed above or below its value.

SEC. 7. No debt shall be contracted by this State except to meet casual deficits in the revenue to redeem a previous liability of the State, to suppress insurrection, repel invasion, or defend the State in time of war.

SEC. 8. The General Assembly shall provide, by law, a sinking fund, to be applied solely to the payment and extinguishment of the principal of the State debt, which sinking fund shall be continued until the extinguishment of such State debt; and every law hereafter enacted by the General Assembly, creating a debt or authorizing a loan, shall provide a sinking fund for the payment of the same.

SEC. 9. The unfunded debt shall not be funded or redeemed at a value exceeding that established by law at the time said debt was contracted, nor shall any discrimination hereafter be made in paying the interest on State bonds, which shall give a higher actual value to bonds held in foreign countries, over the same class of bonds held in this country.

SEC. 10. No money shall be paid out of the State Treasury except in pursuance of appropriations made by law; and no appropriation shall ever be made for the payment of any debt or obligation created in the name of the State of Virginia, by the usurped and pretended State authorities assembled at Richmond during the late war; and no county, city, or corporation shall levy or collect any tax for the payment of any debt created for the purpose of aiding any rebellion against the State, or against the United States.

SEC. 11. On the passage of every act which imposes, continues or revives any appropriation of public or trust money or property, or releases, discharges or commutes any claim or demand of the State, the vote shall be determined by ayes and noes, and the names of the persons voting for and against the same shall be entered on the Journals of the respective Houses, and a majority of all the members elected to each House shall be necessary to give it the force of a law.

SEC. 12. The credit of the State shall not be granted to, or in aid of, any person, association or corporation.

SEC. 13. No scrip, certificate or other evidence of State indebtedness shall be issued except for the redemption of stock previously issued, or for such debts as are expressly authorized in this Constitution.

SEC. 14. The State shall not subscribe to, or become interested in, the stock of any company, association or corporation.

SEC. 15. The State shall not be a party to, or become interested in, any work of internal improvement, nor engage in carrying on any such work, otherwise than in the expenditure of grants to the State of land or other property.

SEC. 16. Every law which imposes, continues, or revives a tax, shall distinctly state the tax, and the object to which it is to be applied, and it shall not be sufficient to refer to any other law, to fix such tax or object.

SEC. 17. The State shall not assume any indebtedness of the county, borough, nor city, nor lend its credit to the same.

SEC. 18. A full account of the State indebtedness, and an accurate statement of receipts and expenditures of the public money, shall be attached to and published with its laws passed at every regular session of the General Assembly.

SEC. 19. The General Assembly shall provide by law for adjusting with the State of West Virginia the proportion of the public debt of Virginia, proper to be borne by the State of Virginia and West Virginia, and shall provide that such sum as shall be received from West Virginia shall be applied to the payment of the public debt of the State.

SEC. 20. No other or greater amount of tax or revenue shall at any time be levied than may be required for the necessary expenses of the government, or to pay the existing indebtedness of the State.

SEC. 21. The liability to the State of any incorporated company or institution to redeem the principal and pay the interest of any loan heretofore made by the State to such company or institution, shall not be released or commuted.

USURY.

Upon debts hereafter contracted it shall be lawful to receive any rate of interest, not exceeding twelve per centum per annum, which may be agreed upon by the parties and be specified in the bond, note, or other writing evidencing the debt. When there is no such agreement, the rate of interest shall be six per centum per annum for the use and forbearance of every hundred dollars.

ARTICLE XI.

MISCELLANEOUS PROVISIONS.

HOMESTEAD AND OTHER EXEMPTIONS.

SECTION 1. Every householder or head of a family shall be entitled, in addition to the articles now exempt from levy or distress for rent, to hold exempt from levy, seizure, garnisheeing, or sale under any execution, order or other process, issued on any demand for any debt heretofore or hereafter contracted, his real and personal property, or either, including money and debts due him, whether heretofore or hereafter acquired or contracted, to the value of not exceeding two thousand dollars, to be selected by him, Provided, That such exemption shall not extend to any execution, order or other process issued on any demand in the following cases :

- 1st. For the purchase price of said property or any part thereof.
- 2d. For services rendered by a laboring person or a mechanic.
- 3d. For liabilities incurred by any public officer, or officer of a court, or any fiduciary, or any attorney at law, for money collected.
- 4th. For a lawful claim for any taxes, levies or assessments accruing after the 1st day of June 1866.
- 5th. For rent hereafter accruing.
- 6th. For the legal or taxable fees of any public officer, or officers of a court, hereafter accruing.

SEC. 2. The foregoing section shall not be construed as subjecting the property hereby exempted, or any portion thereof, to any lien by reason of any execution levied on property which has been subsequently restored to the defendant, or judgment rendered, or docketed, on and after the 17th day of April 1861, and before the 2d day of March 1867,

for any debt contracted previous to the 4th day of April 1865, except debts of the character mentioned in either of the above first three exceptions.

SEC. 3. Nothing contained in this article shall be construed to interfere with the sale of the property aforesaid, or any portion thereof, by virtue of any mortgage, deed of trust, pledge or other security thereon.

SEC. 4. The General Assembly is hereby prohibited from passing any law staying the collection of debts, commonly known as "stay laws"—but this section shall not be construed as prohibiting any legislation which the General Assembly may deem necessary to fully carry out the provisions of this article.

SEC. 5. The General Assembly shall at its first session under this Constitution prescribe in what manner and on what conditions the said householder or head of a family shall thereafter set apart and hold for himself and family, a homestead out of any property hereby exempted, and may, in its discretion, determine in what manner and on what conditions he may thereafter hold, for the benefit of himself and family, such personal property as he may have, and coming within the exemption hereby made. But this section shall not be construed as authorizing the General Assembly to defeat or impair the benefits intended to be conferred by the provisions of this article.

SEC. 6. An act of the General Assembly, entitled "an act to exempt the homesteads of families from forced sales" passed April 29th 1867 and an act entitled "an act to stay the collection of debts for a limited period" passed March 2d 1866, and the acts amendatory thereof, are hereby abrogated.

SEC. 7. The provisions of this article shall be construed liberally, to the end that all the intents thereof may be fully and perfectly carried out.

CHURCH PROPERTY.

The rights of ecclesiastical bodies in and to church property conveyed to them by regular deed of conveyance shall not be affected by the late civil war, nor by any antecedent or subsequent event, nor by any act of the Legislature purporting to govern the same, but all such property shall pass to, and be held by the parties set forth in the original deeds of conveyance, or the legal assignees of such original parties holding through or by conveyance, and any act or acts of the Legislature in opposition thereto, shall be null and void.

HEIRSHIP OF PROPERTY.

The children of parents, one or both of whom were slaves at and during the period of cohabitation, and who were recognized by the father

as his children and whose mother was recognized by such father as his wife, and was cohabited with as such, shall be as capable of inheriting any estate whereof such father may have died seized or possessed, as though they had been born in lawful wedlock.

ARTICLE XII.

FUTURE CHANGES IN THE CONSTITUTION.

Any amendment or amendments to the Constitution may be proposed in the Senate and House of Delegates and if the same shall be agreed to by a majority of the members elected to each of the two Houses, such proposed amendment or amendments shall be entered on their Journals with the ayes and noes taken thereon, and referred to the General Assembly to be chosen at the next general election of senators and members of the House of Delegates, and shall be published for three months previous to the time of making such choice. And if in the General Assembly so next chosen as aforesaid such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each House, then it shall be the duty of the General Assembly to submit such proposed amendment or amendments to the people in such manner and at such times as the General Assembly shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the electors qualified to vote for members of the General Assembly voting thereon, such amendment or amendments shall become part of the Constitution.

At the general election to be held in the year 1888, and in each twentieth year thereafter, and also at such time as the General Assembly may by law provide the question, "Shall there be a Convention to revise the Constitution and amend the same?" shall be decided by the electors qualified to vote for members of the General Assembly; and in case a majority of the electors so qualified voting at such election shall decide in favor of a Convention for such purpose, the General Assembly at its next session shall provide by law for the election of delegates to such Convention: Provided, That no amendment or revision shall be made which shall deny or in any way impair the right of suffrage or any civil or political right as conferred by this Constitution except for causes which apply to all persons and classes without distinction.

JOHN C. UNDERWOOD, *President.*
GEORGE RYE, *Secretary*

Attest:

J. H. PAINTER, *Assistant Secretary.*

SCHEDULE.

That no inconvenience may arise from the changes in the Constitution of this State, and in order to carry the same into complete operation, it is hereby declared that—

SECTION 1. The common law and the statute laws now in force not repugnant to this Constitution, shall remain in force until they expire by their own limitation, or are altered or repealed by the Legislature.

SEC. 2. All writs, actions, causes of action, prosecutions and rights of individuals and of bodies corporate, and of the State, and all charters of incorporation, shall continue; and all indictments which shall have been found, or which may hereafter be found, for any crime or offence committed before the adoption of this Constitution, may be proceeded upon as if no change had taken place. The several courts, except as herein otherwise provided, shall continue with the like powers and jurisdiction, both in law and in equity, as if this Constitution had not been adopted, and until the organization of the judicial department of this Constitution.

SEC. 3. That all fines, penalties, forfeitures and escheats accruing to the State of Virginia, under the present Constitution and laws, shall accrue to the use of the State under this Constitution.

SEC. 4. That all recognizances, bonds, obligations and all other instruments entered into or executed before the adoption of this Constitution, to the people of the State of Virginia to any State, county or township, or any public officer or public body, or which may be entered into or executed, under existing laws "to the people of the State of Virginia," to any such officer or public body, before the complete organization of the department of government under this Constitution, shall remain binding and valid; and rights and liabilities upon the same shall continue, and may be prosecuted as provided by law. All crimes and misdemeanors and penal actions shall be tried, punished and prosecuted, as though no change had taken place until otherwise provided by law.

ELECTION ORDINANCE.

AN OBDINANCE *concerning the Election for Ratification of this Constitution, and for State Officers and Members of Congress.*

SECTION 1. Be it ordained by the people of Virginia in Convention assembled, That the Constitution adopted by this Convention be submitted for ratification on Tuesday, the 2d day of June 1868, to the voters of this State registered and qualified in compliance with the acts of Congress known as the Reconstruction Acts. The vote on said Constitution shall be "For the Constitution" or "Against the Constitution." The said election shall be held at the same places where the election for delegates to this Convention was held and under the regulations to be prescribed by the Commanding General of this Military District, and the returns made to him as directed by law.

SEC. 2. An election shall be held at the same time and places for members of the General Assembly and for all State officers to be elected by the people under this Constitution; the said election for State officers shall be conducted under the same regulations as the election for the ratification of the Constitution, and by the same persons. The returns of this election shall be made in duplicate, one copy to the Commanding General, and one copy to the President of this Convention, who shall give certificates of election to the persons elected. The officers elected shall enter upon the duties of the offices for which they are chosen as soon as elected and qualified, in compliance with the provisions of this Constitution, and shall hold their respective offices for the term of years prescribed by the Constitution, counting from the 1st day of January next, and until their successors are elected and qualified.

SEC. 3. An election for members of the United States Congress shall be held in the congressional districts as established by this Convention, one member of Congress being elected in the State at large, at the same time and places as the election for State officers; said election to be conducted by the same persons and under the same regulations before mentioned in this ordinance; the returns to be made in the same manner provided for State officers.

SEC. 4. The General Assembly elected under this ordinance shall assemble at the capitol, in the city of Richmond on Wednesday the 24th day of June, 1868.

SEC. 5. The Commanding General is requested to enforce this ordinance.

CONGRESSIONAL APPORTIONMENT.

Be it ordained by the people of Virginia in Convention assembled, that the following named counties shall compose the respective congressional districts:

The counties of Accomac, Northampton, Northumberland, Richmond, Westmoreland, Essex, Lancaster Middlesex, King & Queen, King William, Gloucester, Mathews, York, James City, city of Williamsburg Elizabeth City, Warwick, King George and Caroline, with a population of one hundred and fifty-one thousand two hundred and ninety-five shall form the first congressional district.

The counties of Princess Anne, Norfolk city, Norfolk county, city of Portsmouth, Nansemond, Southampton, Greensville, Sussex, Surry Dinwiddie, city of Petersburg, Prince George, Isle of Wight and Nottoway, with a population of one hundred and fifty thousand five hundred and eighty-four, shall form the second congressional district.

The counties of Charles City, Henrico, city of Richmond, Hanover, Chesterfield, Goochland, Powhatan, Amelia, Cumberland and New Kent, with a population of one hundred and forty-nine thousand and twenty-one shall form the third congressional district.

The counties of Brunswick, Mecklenburg, Lunenburg, Charlotte, Halifax, Pittsylvania, Franklin, Patrick and Henry, with a population of one hundred and sixty thousand seven hundred and thirty shall form the fourth congressional district.

The counties of Greene, Albemarle, Fluvanna, Nelson, Buckingham, Amherst, Appomattox, Bedford, Campbell, Prince Edward and the city of Lynchburg, with a population of one hundred and fifty-five thousand four hundred and ninety shall form the fifth congressional district.

The counties of Frederick, city of Winchester, Clarke, Warren, Page, Shenandoah, Rockingham, Augusta town of Staunton, Highland, Bath, Betetourt, Alleghany and Rockbridge, with a population of one hundred and forty-six thousand eight hundred and twenty-four, shall form the sixth congressional district.

The counties of Alexandria, Fairfax, Prince William, Fauquier, Stafford, Rappahannock, Culpeper, Spotsylvania, town of Fredericksburg, Orange, Louisa, Loudoun and Madison, with a population of one hundred and fifty-eight thousand two hundred and ninety-five, shall form the seventh congressional district.

The counties of Montgomery, Giles, Pulaski, Wythe, Bland, Tazewell, Smyth, Washington, Russell, Scott, Lee, Wise, Buchanan, Grayson, Carroll, Floyd, Craig and Roanoke, with a population of one hundred and forty-seven thousand six hundred and seventy-nine, shall form the eighth congressional district.

And there shall be one member of Congress elected by the State at large.

This ordinance shall be in force from its passage, and may be altered or repealed by the Legislature.

Signed by Resolution of the Convention this seventeenth day of April in the year of our Lord eighteen hundred and sixty-eight.

JOHN. C. UNDERWOOD, *President.*
GEORGE RYE, *Secretary,*

Attest:

J. H. PAINTER, *Assistant Secretary.*



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